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Chairman: Mr. Yáñez-Barnuevo ..... (Spain)
later: Mr. Samy (Vice-Chairman) ..... (Egypt)

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The meeting was called to order at 10.10 a.m.

Agenda item 108: Measures to eliminate international terrorism (*continued*) (A/59/894, A/60/37, A/60/129, A/60/164, A/60/228, A/C.6/60/2 and A/C.6/60/3)

1. **Mr. Kazykhanov** (Kazakhstan) said that the terrorist attacks in London, Baghdad, Sharm el-Sheikh, Bali and elsewhere in the world had once more shown that terrorism had become the greatest threat to all peoples and countries and to the international security system. As the scale of the threat had grown, the range of problems associated with terrorism — such as organized crime, drug-trafficking, illegal arms trade and money-laundering — had widened, placing a heavy burden on all countries. Kazakhstan strongly condemned all terrorist acts as criminal and unjustifiable, irrespective of their motivation, and believed that the fight against terrorism had to be a common effort and it could only be won through comprehensive and balanced measures taken in full conformity with the purposes and principles of the Charter of the United Nations and international law.

2. His Government attached great importance to the comprehensive legal framework established by the United Nations in the area of counter-terrorism. Kazakhstan was a party to all of the international conventions on terrorism, including the most recent one, the International Convention for the Suppression of Acts of Nuclear Terrorism, and it supported the early adoption of the draft comprehensive convention on international terrorism. To that end, his delegation stood ready to work with other delegations to resolve the outstanding issues. Kazakhstan had also been working to implement Security Council resolution 1373 (2001) and other anti-terrorism resolutions and would continue to do so. In that connection, in January 2005 it had hosted a meeting of the Counter-Terrorism Committee of the Security Council at which important decisions relating to counter-terrorism had been adopted.

3. Regional and subregional organizations played a critical role in efforts to enhance the effectiveness of global actions against terrorism. The Conference on Interaction and Confidence-building Measures in Asia (CICA) was one such body. Two summits held in the previous two years in the framework of CICA had led to important progress towards the establishment of an effective security mechanism in Asia. In addition, specific steps to create a regulatory framework were being taken within regional organizations such as the Shanghai Cooperation Organization, of which Kazakhstan was a member.

4. Counter-terrorism was a priority area of work for Kazakhstan at the national level. The country had established a national anti-terrorism centre, which was actively cooperating with its counterparts at the international and regional levels. It had also introduced improvements into its domestic legislation and was taking preventive measures to suppress the functioning of terrorist organizations, notably by putting in place a system to prevent money-laundering and the financing of terrorist organizations. Kazakhstan reaffirmed its resolve to continue making worthy contributions to the common fight against international terrorism.

5. **Mr. Shobokshi** (Saudi Arabia) said that the Kingdom of Saudi Arabia had suffered from terrorism and strongly condemned it in all its forms. Laws had been introduced to punish terrorists, their sympathizers and those who incited them, and in the area of combating terrorism, the Kingdom adhered to the relevant Security Council resolutions and had acceded to a number of international treaties.

6. The International Conference to Combat Terrorism had been held in Riyadh in February 2005. International and regional organizations, officials and specialists from security services in more than 60 countries had been invited to participate. The Riyadh Declaration issued by the conference confirmed international unity of purpose in combating terrorism and extremism. Among the recommendations made was the proposal to set up an international counter-terrorism centre. This had been welcomed by the Arab Summit in Algeria, the Summit of Arab and Latin American States in Brazil, and the foreign ministers of member States of the Organization of the Islamic Conference (OIC) meeting in Sanaa and New York.

7. A strong position on this matter in the United Nations would be beneficial to strengthening the Organization's role in combating terrorism, as the proposed centre would not overlap with the Counter-Terrorism Committee, Interpol or regional centres, but would work to increase their effectiveness. The exchange of information among States would remain voluntary. The centre would connect regional and national centres in one database, enabling its contents

to be exchanged and updated, and it would support the exchange and voluntary transfer of technology and training necessary to combat terrorism. It would also seek to coordinate legislation and raise awareness of the dangers of terrorism and incitement, all of which was in accordance with Security Council resolution 1624 (2005).

8. It had been proposed to set up a task force under United Nations auspices, composed of experts from States which had participated in the Conference and other States, with the help of Counter-Terrorism Committee experts, to study the Conference's recommendations and the proposal to set up the international centre and to deliver a report to the General Assembly at its sixty-first session.

9. International efforts to fight terrorism would not succeed unless they were accompanied by efforts to address the conflicts caused when people's legitimate rights were taken from them. His Government was opposed to any attempt to deprive people living under occupation of their right to self-determination. International legal decisions were the only avenue to resolving deep-seated conflicts and the tensions they caused. A fair and comprehensive solution was needed for the Arab-Israeli dispute but the peace process in the region had faltered due to double standards and selectivity, and decisions upholding international legal principles had been continuously violated.

10. **Mr. Chowdhury** (Bangladesh) said that Bangladesh unequivocally condemned terrorism in all its forms and manifestations. It had ratified 12 of the international conventions on terrorism and was currently completing the constitutional procedures for accession to the recently adopted International Convention for the Suppression of Acts of Nuclear Terrorism. It was also a party to the South Asian Association for Regional Cooperation Regional Convention on Suppression of Terrorism. In addition, it had put in place the necessary domestic legislation on terrorism and was in full compliance with its obligations under the various Security Council resolutions.

11. His delegation regretted the deliberate attempt by some to link terrorism with certain faiths and wished to stress that terrorism was antithetical to the teachings of Islam, which advocated peace, tolerance, non-violence and harmony. Bangladesh believed that terrorism could not be fought by military means or instant retribution alone. A holistic approach was needed, one that addressed the political and socio-economic injustices that were the underlying causes of the phenomenon. It was also essential to promote dialogue, cooperation and understanding among different cultures, civilizations and faiths.

12. The Sixth Committee had always played a critical role in the development and codification of international law, but its work had taken on added significance in the light of the mandate from the 2005 World Summit to negotiate and conclude a comprehensive convention on international terrorism during the sixtieth session of the General Assembly. The Committee should realize that collective commitment on an issue that was of vital importance to all countries.

13. It was logical that such a convention should contain a legal definition of terrorism and of what constituted a terrorist act. Bangladesh wished to reiterate that the definition of terrorism was a legal issue, not a political one, and it should therefore be dealt with in the Sixth Committee. At the same time, his Government reiterated its demand that the draft comprehensive convention should distinguish between terrorism and the legitimate right to self-determination and the struggle for independence of peoples under foreign occupation. It also renewed its call for the convening of a high-level conference under the auspices of the United Nations to formulate an international response to terrorism. That response should include a universal counter-terrorism strategy that fully respected human rights and took account of the conditions that were conducive to the spread of terrorism. The elements identified by the Secretary-General in his report, "In larger freedom: towards development, security and human rights for all" (A/59/2005), might serve as a basis for such a strategy. The adoption by consensus of a comprehensive convention on international terrorism would be a milestone in the history of mankind. The Committee must not miss that momentous opportunity on any grounds.

14. **Mr. Hannesson** (Iceland) said that the fight against terrorism was of fundamental importance to every nation, as it was a global problem that threatened peace and security everywhere. Terrorism was a crime which must never be tolerated or excused; there was no such thing as justifiable terrorism. All forms of terrorism must be fought and all terrorist acts

condemned. States, together with regional and international organizations, must unite and cooperate to eliminate terrorism, but in order to do that, the nations of the world must agree upon a generally acceptable definition of the term "terrorism". The various resolutions and international conventions adopted to date had created a framework for cooperation. However, to maximize the effect of those instruments, all nations must become parties to them. Iceland had ratified and was implementing the 12 previous conventions and protocols on terrorism, and it had just signed the new International Convention for the Suppression of Acts of Nuclear Terrorism. His delegation urged States that had not yet ratified those instruments to do so as soon as possible.

15. Iceland continued to work with the Counter-Terrorism Committee and its Executive Directorate and with the Al-Qaida and Taliban Sanctions Committee. In the First Committee, it had consistently supported measures to prevent terrorist groups from obtaining weapons of mass destruction. In the Third Committee, it had repeatedly voiced the view that, in the fight against terrorism, international agreements on human rights and humanitarian law must be upheld. In the Sixth Committee, Iceland had supported the work on the nuclear terrorism convention and urged the conclusion of the draft comprehensive convention on international terrorism during the current session of the General Assembly.

16. States must keep in mind that, in order to become functional links in the chain of defence against international terrorism, they must exercise the same alertness and preparedness at home as in the international arena. To that end, Iceland had been reorganizing its national responses to potential terrorist acts, inter alia, by strengthening the special police unit that dealt with terrorism, reviewing its legislation and formulating plans for responding to terrorist threats in Icelandic air space.

17. **Mr. Baali** (Algeria) said that Algeria condemned in the strongest possible terms all acts of terrorism and renewed its commitment to the struggle against it. The international community had made significant strides in that struggle through the measures taken by the General Assembly and the Security Council. Nevertheless, the framework put in place by the United Nations remained insufficient, from both an operational and a normative standpoint, owing largely to the sectoral approach that had been employed, as a result of which a number of activities related to terrorism had not been addressed by the various international conventions adopted to date. Algeria therefore wished to see, during the sixtieth session of the General Assembly, agreement on a draft comprehensive convention which would fill those lacunae, notably through the inclusion of an agreed legal definition of terrorism and through delimitation of the convention's scope of application in order to avoid any confusion between terrorism and the legitimate struggle of peoples for freedom or self-determination.

18. In the fight against terrorism, it was important to eschew reductionist approaches and to address underlying causes, including anything that might create a fertile environment for the emergence of terrorist movements, such as foreign occupation, poverty or extremism. It was also necessary to recognize terrorism's capacity for adaptation and globalization and to counter it by strengthening international cooperation, not only through accession to international instruments but also through the adoption of measures for mutual legal assistance, information-sharing and operational cooperation by the services engaged in combating terrorism. In addition, Member States must act swiftly and effectively to eliminate sources of financing for terrorists, dismantle their logistic support networks, stifle their propaganda apparatuses and stop them from recruiting new terrorists.

19. Significant progress had been made at the regional level in combating terrorism. In Africa, the Organization of African Unity Convention on the Prevention and Combating of Terrorism had entered into force and its accompanying plan of action was being implemented. Similar efforts, in which Algeria had played an active role, had been undertaken within the Organization of the Islamic Conference and the League of Arab States. However, in order for actions at the regional and subregional levels to be as effective as possible, they had to be coordinated and harmonized, and it was within the framework of the United Nations that such coordination and harmonization could and should occur. In that connection, his delegation fully supported the proposal to convene a high-level conference under the auspices of the United Nations to formulate an international response to terrorism in all its forms and manifestations. In addition, the international community had a duty to assist States,

particularly by making available the necessary equipment, to enable them to fulfil their obligations under the various international instruments.

20. Algeria remained convinced that respect for human rights was an essential parameter in the struggle against terrorism. The Security Council had just adopted resolution 1624 (2005), which called upon all States to adopt measures to prohibit incitement to commit terrorist acts and deny safe haven to persons responsible for such acts. That resolution represented a notable advance in debunking the fallacious notion that the imperative of combating terrorism was somehow antithetical to respect for human rights. His delegation hoped that the noble rights of asylum and freedom of expression, including expression via the Internet, would thus no longer be exploited in the service of terrorism. Algeria also hoped that decisive action would be taken in regard to two issues: criminalization of the glorification of and incitement to commit terrorist acts through any information or communication media by persons living, residing or sojourning in the territory of any other State or States; and prohibition and criminalization of the printing, publication and dissemination by such persons of any bulletins, announcements or pamphlets advocating criminal terrorist attacks on the interests and security of any other State or States.

21. In conclusion, Algeria stood ready to continue consultations on the draft comprehensive convention on international terrorism. In that regard, it might be useful to obtain the views of experts in international humanitarian law concerning the convention's scope of application in legal and technical terms.

22. *Mr. Samy (Egypt), Vice-Chairman, took the chair.*

23. **Mr. Kariyawasam** (Sri Lanka) said that the signing by 89 countries of the newly concluded International Convention for the Suppression of Acts of Nuclear Terrorism demonstrated the commitment of the international community to combating terrorism in all its forms and manifestations. At the high-level plenary meeting of the General Assembly on 15 September 2005, the President of Sri Lanka had identified terrorism, poverty and disease as the three scourges that continued to threaten humankind and had emphasized the importance of addressing them in a holistic manner. Because of the adverse impact of terrorism, not only on peace and security but also on human rights and fundamental freedoms, she had also stressed the importance of strengthening the collective ability of the intergovernmental system to combat it.

24. The Committee had made important contributions to the development of a comprehensive legal regime and Security Council resolution 1624 (2005) represented a step forward in addressing the matter of incitement to terrorism. Much, however, remained to be done not only in implementing existing international instruments, but also in addressing the political, social and economic issues that gave rise to terrorism. It was important to recognize that adopting conventions was not enough; practical implementation measures must also be launched, in good faith. The time had come to further elaborate the United Nations institutional framework for coordinating efforts to implement terrorism conventions and to tackle related issues.

25. As noted by the Secretary-General in his report, "In larger freedom" (A/59/2005), the international legal regime must be extended to encompass transnational networks of armed non-State actors involved in illicit arms procurement and financing of terrorism, who showed utter contempt for democracy while exploiting its processes. The challenge of developing comprehensive legal and other measures would demand international political will, commitment and focus.

26. Reports indicated that terrorism was handled differently under different circumstances and in different places. Treating terrorist groups differently on the basis of place of origin, or collective motive or ideology would shroud the matter in uncertainty, vitiate global resolve, and undermine the work of the United Nations and the Sixth Committee.

27. As Chairman of the Working Group responsible for concluding the draft comprehensive convention on international terrorism, Sri Lanka was ready to forge a consensus. It was imperative for every delegation in the Sixth Committee to demonstrate the necessary political will and flexibility to reach agreement on the outstanding issues.

28. **Mr. Ma** Xinmin (China) said that the terrorist bombing that had occurred the previous week in Indonesia was another reminder that the fight against terrorism was in the common interests of the world community. China had consistently condemned international terrorism in all its forms and manifestations and opposed the use of terrorist activities for political purposes, as well as terrorist acts

of violence committed by any State, organization, group or individual in violation of international law. China had always maintained that the fight against terrorism must be conducted in compliance with the purposes and principles of the Charter of the United Nations and other established rules of international law. It must avoid double standards and refrain from linking terrorism with any civilization, ethnic group or religion. The manifestations and causes of terrorism must be tackled at the same time.

29. China believed that the United Nations should play a leading role in coordinating the fight against international terrorism, and that the primary responsibility of the Security Council for the maintenance of international peace and security should find further expression in the fight against terrorism. In that regard, his Government supported the efforts of the General Assembly and the Security Council to strengthen United Nations assistance to Member States in their fight against terrorism and to help developing countries enhance their capacity-building for combating terrorism.

30. The Government of China believed that suppressing international terrorism required comprehensive cooperation among all nations, and had always supported the formulation of international conventions, taking an active role in the work of the Sixth Committee in that regard. Of the 13 existing international terrorism conventions, China was a party to 10 and a signatory to 2; it had recently initiated the domestic legal procedure for ratifying the Convention for the Suppression of the Financing of Terrorism. In addition, it had signed the International Convention for the Suppression of Acts of Nuclear Terrorism, and wished to honour the Russian Federation for having proposed the establishment of that instrument.

31. Furthermore, China had ratified the Shanghai Convention on Combating Terrorism, Separatism and Extremism, had entered into bilateral agreements with Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan to combat terrorism, and was engaged in international cooperation to combat terrorism on the basis of treaties on judicial assistance in criminal matters and on extradition. In addition, China had added provisions to its Criminal Code to suppress financing for terrorism and had expanded the money-laundering provision to cover that crime.

32. The Chinese delegation had played an active part in formulating the draft comprehensive convention on international terrorism, was supporting efforts to finalize that work promptly, and hoped that all parties would work towards resolving the pending issues. It also supported the initiative to convene a high-level conference on international terrorism under the auspices of the United Nations, at an appropriate time.

33. **Mr. Almarashda** (United Arab Emirates) said that was imperative, now more than ever, to strengthen regional and international efforts to face the scourge of terrorism before it spread. All such efforts should, however, be developed within the framework of international law and the relevant human rights instruments, in order to ensure transparency and non-selectivity. All forms and manifestations of terrorism must be combated, including State terrorism, which violated the right of peoples to self-determination. Moreover, negative practices associated with terrorism must be confronted, including attempts made by some to associate terrorism with a religion or culture or society. In that regard, his Government supported the holding of an international conference under the auspices of the United Nations, in order to contribute to a clear definition of terrorism and to differentiate it from the legitimate struggle of people under foreign occupation.

34. The United Arab Emirates, firmly condemning all acts of terrorism, reaffirmed its commitment to strengthening measures to eliminate terrorism under Security Council resolutions 1373 (2001) and 1267 (1999). It had taken legislative, legal and supervisory measures, including the establishment of a national counter-terrorism committee comprising all the ministries, which exercised control over bank transactions, border controls and immigration, the freezing of bank accounts and the enactment of a money-laundering law, and was working with other Governments and Interpol.

35. Furthermore, the United Arab Emirates was a party to various United Nations counter-terrorism instruments, among them the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism, and welcomed the recent adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism. It hoped that consultations on the draft comprehensive convention on international terrorism would lead to a

consensus and supported the proposal of Saudi Arabia to establish an international centre for combating terrorism.

36. **Ms. Bovi** (San Marino) said that terrorism was one of the most difficult challenges facing the world community because it was perpetrated by people who had no respect for human life. The Government of San Marino condemned international terrorism in all its forms and manifestations and was committed to eliminating that devastating affliction. It supported the Secretary-General's call for the formulation of a comprehensive strategy to combat terrorism, and hoped that a consensus could be reached on a draft comprehensive convention on international terrorism during the current session of the General Assembly.

37. In the view of San Marino, the definition of terrorism contained in the text of the proposed draft convention provided an excellent basis for an appropriate formulation. Her Government also believed that measures of suppression should be complemented by dialogue, with a view to understanding the reasons for terrorism and eradicating its causes; cooperation among States, with a view to preventing and combating terrorism; and full respect for international law, including the Charter of the United Nations. San Marino was a strong believer in the value of persuasion and the importance of promoting education and tolerance.

38. Although there was a need for a comprehensive convention, there was still much to be done to implement existing instruments by updating legislation and improving financial and banking cooperation. Defeating terrorism would require the strong cooperation at the regional and international levels, the full commitment of all countries and a flexible approach to seeking common solutions.

39. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that his delegation pledged its full cooperation in responding to the call contained in paragraph 83 of the 2005 World Summit Outcome to conclude a comprehensive convention on international terrorism during the current session. The Democratic Republic of the Congo reiterated its firm condemnation of terrorism in all its forms and manifestations, but stressed that the fight against terrorism should not entail a denial of human rights. Over the long term, priority must be given to finding peaceful means to conflict resolution, a concept enshrined in Chapters VI and VII of the Charter.

40. Unfortunately, in the Great Lakes region of Africa some backward countries continued to believe in the virtues of force and military action to resolve conflicts; that was another kind of terrorism which must also be vigorously combated. A better approach would be to coordinate police, security and intelligence services more effectively within and among States and to share information.

41. In the Democratic Republic of the Congo the provisions of Security Council resolution 1373 (2001) had begun to be implemented. A national counter-terrorism coordinating committee had been formed, and the process of incorporating conventions and protocols into domestic law had begun, with a view to establishing the competency of the courts to prosecute the perpetrators of terrorist acts, and to cooperating with other States and international and regional organizations so as to bring such persons to justice. The national law on money-laundering and the financing of terrorism contained provisions for preventing and detecting such activities. Furthermore, a new military penal code set out definitions and penalties for terrorism, genocide, crimes against humanity and war crimes — matters previously not covered in the national legislation. In a 2004 decision the Congolese High Military Court had handed down severe sentences, including the death penalty and life imprisonment, to officers in the armed forces convicted of terrorist acts.

42. The Government had submitted three reports to the Counter-Terrorism Committee and was preparing its fourth report. It hoped that that Committee would take note of the significant strides it had made and would continue to help harmonize its domestic legislation and procure technical assistance in the financial and regulatory fields. It also wished to thank the United Nations Office on Drugs and Crime for helping to organize a seminar in Kinshasa to train Congolese experts and the United States Government for holding a seminar in Kinshasa on the legal aspects of the fight against terrorism for security experts, police officers, members of the armed forces and representatives of human rights organizations.

43. Lastly, his delegation urged a conclusion of the negotiations on the draft comprehensive convention on international terrorism, and supported continued

consideration of the convening of a high-level conference on terrorism. It considered the International Convention for the Suppression of Acts of Nuclear Terrorism to be an important addition to existing counter-terrorist instruments.

44. **Ms. Bakyono** (Burkina Faso) said that although the General Assembly had discussed international terrorism for the past 30 years, the world regrettably still suffered from such barbarous, ignoble and heinous acts. Her Government reiterated its firm condemnation of terrorism and its full determination to take part in all international initiatives to combat that criminal madness. Accordingly, Burkina Faso supported a speedy conclusion to the process of formulating the draft comprehensive convention on international terrorism as well as the proposal to hold a high-level conference on terrorism, and fully approved the comprehensive strategy proposed by the Secretary-General.

45. Burkina Faso was a party to 12 international conventions relating to terrorism and had just signed the International Convention for the Suppression of Acts of Nuclear Terrorism. It had also ratified the regional counter-terrorism conventions of the African Union and the Organization of the Islamic Conference, and had initiated measures at the legislative, regulatory and institutional levels to implement those instruments. In January 2005, a national seminar had been held in Ouagadougou, with the assistance of the United Nations Office on Drugs and Crime, on the incorporation of the provisions of counter-terrorism instruments into the national legal framework.

46. In order to defeat terrorism, its root causes must also be addressed. Concerted efforts must therefore be taken to reduce injustice, inequality, exclusion and misery. Whether rich or poor, weak or strong, all States must stand together to bring that struggle to conclusion.

47. **Mr. Metelitsa** (Belarus) said that recent terrorist attacks in various parts of the world had shown that no country was inviolable, whatever its social, cultural or religious characteristics. The world community should provide a coordinated response. It had long been clear that an integrated and balanced counter-terrorism strategy was required, uniting every country, both great and small, on the basis of the purposes and principles of the Charter of the United Nations. Although the elements for negotiation put forward by the Secretary-General were useful, they did not go far enough, principally because they did not put sufficient emphasis on the root causes of terrorism. Poverty, armed conflicts and international tensions were among the factors that encouraged the spread of terrorism and swelled the ranks of terrorist organizations. It was therefore essential to promote dialogue, tolerance and understanding between civilizations, peoples and social, economic and political systems. Suppression and coercion were not the primary methods of rooting out terrorism.

48. The adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism bore witness to the growing awareness by States of the real dangers of the criminal use by terrorists of nuclear materials and their access to nuclear weapons. His Government had taken the first steps towards becoming party to the Convention, which had been signed by the President of Belarus. The General Assembly would, he was confident, be able to agree on a draft text for a comprehensive convention on international terrorism. The problem of distinguishing between terrorism and the struggle of peoples for self-determination constituted a significant stumbling block, however, and success in drafting an agreed text would depend on compromise and respect by all positions. His Government valued the contribution of the Security Council committees relating to counter-terrorism and was making every effort to work with the Security Council on the relevant counter-terrorism resolutions.

49. It was crucial that technical assistance to develop counter-terrorism capacity should be stepped up and put on a systematic basis, in order for States to implement international counter-terrorism agreements fully. Such work was currently being done by the Counter-Terrorism Committee Executive Directorate and by the United Nations Office on Drugs and Crime. The division of responsibilities between them with regard to technical assistance, however, was insufficiently clear-cut. Perhaps the Counter-Terrorism Committee could restrict itself to identifying and assessing States' needs for technical assistance, while the task of providing and coordinating such assistance should be entrusted to the United Nations Office on Drugs and Crime. His delegation was ready to consider any proposals to improve United Nations counter-terrorism mechanisms. Such proposals should, however, be discussed collectively by all Member

States, with due regard for the competence of the General Assembly.

50. **Mr. Arrad** (Bahrain) said that combating terrorism should be a top priority for all nations because terrorism was not only a threat to peace and international security but also an obstacle to development. The scourge of terrorism could only be eliminated through intensive and concerted efforts. Rooting out terror would require addressing its root causes, and terrorism needed to be distinguished from the struggle of peoples to achieve their independence in accordance with international law. The phenomenon of terrorism was not associated with any religion, culture or ethnicity. The Kingdom of Bahrain stood firm against any attempt to associate Islam with any incitement to victimization or murder of human beings.

51. Bahrain was party to many international and regional counter-terrorism agreements, and worked together with other members of the Gulf Cooperation Council to combat money-laundering and the financing of terrorism in the Middle East and North Africa. It supported the proposal of Saudi Arabia to establish an international counter-terrorism centre. It also welcomed the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism and urged increased efforts for the adoption of a comprehensive agreement on terrorism.

52. **Ms. Al-Ghanem** (Kuwait) said that Kuwait condemned terrorism in all its forms, regardless of motivation or pretext, and rejected the association of terrorism with any religion, ethnicity or group. All States wished to conclude a comprehensive convention on international terrorism, but such a convention should include a definition of terrorism that did not confuse terrorism with the right of peoples to struggle against foreign occupation.

53. Kuwait had submitted its fourth report to the Counter-Terrorism Committee in December 2004 and a report to the Security Council Committee established pursuant to resolution 1540 (2004) in March 2005. Kuwait was committed to implementing the provisions of resolution 1267 (1999) on freezing funds and assets of individuals or entities on the related consolidated list, although it wished to point out the problem of confusion of names, which sometimes resulted in the freezing of funds of individuals with no connection to terrorism. It hoped that a mechanism would be developed to deal with cases where was no response to a de-listing request, even though a requesting State had submitted all necessary documentation, and that the relevant Security Council committee would take an active role in that matter.

54. Kuwait was already party to nearly all the international instruments relating to terrorism, and the Kuwaiti Parliament was currently considering the International Convention for the Suppression of the Financing of Terrorism, the Arab Convention on the Suppression of Terrorism, and the Convention of the Organization of the Islamic Conference on Combating International Terrorism. Kuwait also supported the convening of a high-level conference under the auspices of the United Nations to study the root causes of terrorism and develop solutions. Kuwait also supported the proposal of Saudi Arabia for the establishment of an international counter-terrorism centre.

55. **Mr. Zarkashi** (Malaysia) said that, despite — or perhaps because of — the concerted action launched against international terrorism since the attacks of 11 September 2001, the number of terrorist incidents around the world had increased, showing that terrorists could strike at any time and place of their choosing. Terrorists increasingly aimed their attacks at "soft" targets rather than Governments or military targets, and continued in their attempts to attribute a just cause to their acts of violence. They would not succeed in their efforts to demoralize the countries and people they attacked. However, there could be no "winner" in the war on terror, only more unnecessary loss of life.

56. Malaysia, having survived 42 years of suffering during the communist insurgency, had learned valuable lessons which could help the current global effort to fight terrorism. Peace had ultimately been won not by capitulating to the terrorists' demands but by nullifying their claims to legitimacy, thereby depriving them of the moral high ground and of support. Malaysia therefore advocated efforts to identify and deal effectively with the underlying causes of terrorism. Without diminishing the importance of the existing international instruments against terrorism, it was imperative to agree on a definition of terrorism so as to close any legal loopholes that allowed terrorists to escape justice. Malaysia supported the call for a high-level conference under United Nations auspices to formulate a joint international response to terrorism. At the same time, the fight against terrorism should not

diminish respect for international law, including humanitarian law, and the right to self-determination.

57. Malaysia was taking action to implement the existing international instruments and the various regimes intended to deprive terrorists of funds and access to weapons, including the International Convention for the Suppression of Acts of Nuclear Terrorism, which it had recently signed. It would soon ratify the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Malaysia was also committed to finalizing the draft comprehensive convention on international terrorism and was optimistic that the outstanding issues could be resolved.

58. The increase in transnational crime, including terrorism, also highlighted the need for international cooperation among law enforcement agencies. The value and effectiveness of the International Criminal Police Organization (Interpol) was well known, but bilateral cooperation between national law enforcement agencies was also vital. The timely gathering and exchange of information and the provision of mutual legal assistance in criminal matters were essential in order to bring terrorists and their supporters to justice.

59. In 2003 Malaysia had initiated negotiations on a Treaty on Mutual Legal Assistance in Criminal Matters among members of the Association of Southeast Asian Nations (ASEAN). That Treaty had been concluded and signed by eight members of ASEAN in 2004 and to date had been ratified by Malaysia and Singapore. Malaysia looked forward to further signatures and ratifications in the near future.

60. The Southeast Asia Regional Centre for Counter-Terrorism, established in Kuala Lumpur in 2003, had made a major contribution to capacity-building in the ASEAN region through training programmes run in cooperation with a number of other countries. In addition, the Royal Malaysia Police continued to organize training programmes to share the knowledge gained from the years of fighting the communist insurgency. Further training programmes were planned in order to enhance the capabilities of regional law enforcement authorities in combating terrorism.

61. Malaysia was also continuing its efforts to establish bilateral and multilateral arrangements for cooperation and exchange of information on counter-terrorism, such as the Agreement on Information Exchange and Establishment of Communication Procedures, which had been signed by Malaysia, Indonesia and the Philippines in 2002. Cambodia, Thailand and Brunei Darussalam had subsequently acceded to the Agreement.

62. Given the apparent reach of terrorist organizations and the threat they posed to the peace, security, stability and economic prosperity of all nations, only united efforts would succeed in combating terrorism. Malaysia reiterated its commitment to cooperating in such efforts.

63. **Mr. Erçin** (Turkey) said that terrorism posed a serious threat to peace, security, civilization, democracy, civil society and the rule of law. It also undermined human rights and fundamental freedoms, first and foremost the right to life. All forms of terrorism should therefore be condemned unequivocally. Turkey rejected any kind of pretext used by terrorist organizations to justify their heinous acts.

64. Turkey, as a country that had been a victim of terrorism, had long been drawing the attention of the international community to the serious nature of the problem. Today it was clearer than ever that terrorism was a shared problem requiring the cooperation of all. Turkey therefore attached great importance to the work being done by United Nations bodies, including the Security Council and its committees, to eliminate terrorism and to help States increase their capability to combat it. Turkey also supported the Secretary-General's suggestion to elaborate a comprehensive strategy to counter terrorism.

65. It was vital that more States should become party to the 13 international instruments against terrorism. Turkey was party to 12 of them and had signed the International Convention for the Suppression of Acts of Nuclear Terrorism on the day on which it had been opened for signature. The work being done on international instruments under the aegis of the General Assembly was invaluable, in particular the work of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996.

66. Turkey looked forward to the finalization of the draft comprehensive convention on international terrorism and favoured a broad scope of application that took account of the fact that terrorist targets included military and security personnel. Turkey also

supported the use of an operational definition, as contained in the current text. The relationship between the draft convention and the existing instruments should reflect achievements made in combating terrorism. He was confident that, with a shared determination, the draft convention would be successfully concluded by the end of the current session.

67. **Mr. Sardenberg** (Brazil) said that terrorist acts should be seen for what they were: gross violations of the most fundamental human rights, namely the right to life and the right to live free from fear. The year 2005 had seen yet more terrorist attacks against innocent civilians around the world. Brazil, a country whose identity was characterized by tolerance and diversity, condemned all such attacks in the strongest terms.

68. All countries were aware of the urgency of dealing decisively with the menace of international terrorism. However, the heightened sense of vulnerability caused by terrorist attacks should not be allowed to lead to a lack of respect for fundamental principles and rights. The fight against terrorism should not be viewed in terms of police repression alone; nor should it result in absurd, indiscriminate deaths similar to those caused by terrorism itself.

69. The conclusion of the International Convention for the Suppression of Acts of Nuclear Terrorism was a significant step in the fight against terrorism, and the text was a valuable addition to the existing international instruments. Brazil had signed all of those instruments and ratified 10 of them. In addition, it had already submitted five reports to the Counter-Terrorism Committee and would continue to cooperate with the Council by adopting appropriate domestic legislation and procedures.

70. Brazil urged the international community to redouble its efforts to conclude the negotiations on the draft comprehensive convention on international terrorism, the adoption of which would greatly facilitate action to combat terrorism and would also send a powerful message that the international community was determined to deal with the threat of terrorism effectively. Brazil also supported the proposal that a high-level conference should be convened, once the convention was concluded, to underscore the international commitment to developing coordinated counter-terrorism strategies.

71. **Mr. Abdelsalam** (Sudan) reaffirmed the Sudan's condemnation of terrorism in all its forms, including State terrorism, which ran counter to the nature of Sudanese society and threatened international peace and security. Sudan had been among the first States to ratify the sectoral conventions on terrorism, and was currently considering becoming a party to the Convention for the Suppression of Acts of Nuclear Terrorism. It had also fulfilled its regional obligations by hosting the second regional counter-terrorism conference, whose final declaration included a call for the harmonization of national laws to enhance the region's ability to combat terrorism.

72. Although the Sudan condemned terrorism, it noted that the deliberate confusion between terrorism and the struggle of peoples for liberation and the malicious association of terrorism with a particular religion or civilization split the international consensus for a comprehensive counter-terrorism strategy. Increased international cooperation could be brought about by a dialogue between civilizations, and Sudan supported the call for an alliance of civilizations issued by the Prime Minister of Spain the previous July. Sudan called for an international conference under the auspices of the United Nations to agree upon a strict definition of terrorism. Rather than wasting energy on superficial manifestations, drying up the sources of terrorism required treating the roots of the phenomenon, which were poverty, ignorance, despair, injustice, and foreign occupation and domination.

73. The Sudan supported the initiative of Saudi Arabia to establish an international counter-terrorism centre, the proposal by Tunisia to formulate an international code of conduct to combat terrorism, and the efforts to arrive at a comprehensive convention against international terrorism.

74. **Mr. Aljadey** (Libyan Arab Jamahiriya) said that Libya had been a victim not only of terrorism committed by individuals or groups, but of a more dangerous form of terrorism: State terrorism. The Libyan Arab Jamahiriya had been among the first countries to ask for an international conference under the auspices of the United Nations to study the phenomenon of terrorism. It renewed its call to the international community to consider the hidden causes of terrorism. Terrorism needed to be distinguished from the struggle of peoples for self-determination, which was a sacred right. While his Government condemned

terrorism, it also condemned efforts to associate terrorism with a particular religion or nationality.

75. The Libyan Arab Jamahiriya would continue to cooperate completely with the Counter-Terrorism Committee and was a party to 12 international counter-terrorism conventions, the Arab Convention to Suppress Terrorism, and the Organization of African Unity Convention on the Prevention and Combating of Terrorism. It had recently signed the International Convention for the Suppression of Acts of Nuclear Terrorism, and, while applauding its adoption, hoped that it would not be used by any State as a pretext for the use or threat of use of nuclear weapons.

76. **Mr. Pang** (Singapore) said that the latest terrorist bombings in Bali testified to the persistence of the global menace of terrorism. Following a bilateral summit meeting with the President of Indonesia held two days after the bombings, Singapore had pledged full support for Indonesia in its efforts to combat terrorism.

77. The attacks of 11 September 2001, and many more attacks around the world since then, were examples of a new kind of transnational terrorism that represented the dark side of globalization. The attacks perpetrated by Al-Qaida and its affiliates did not respect national, geographical, religious or ethnic boundaries and did not discriminate between Muslims and non-Muslims. Indeed, they were calculated not only to cause death and mayhem but to foment distrust between racial and religious communities and to provoke a backlash against Muslim communities.

78. Singapore therefore fully supported the call in the 2005 World Summit Outcome for dialogue, tolerance and understanding among civilizations. Terrorism had nothing to do with the truth of any religion. Measures to counter terrorism, therefore, should not target the followers of one religion or another, as that would be to fall into the trap set by extremists who hoped to sow division and provoke a clash of civilizations. Singapore was a multireligious and multiracial society, and maintaining a harmonious relationship between Muslims and non-Muslims was an important part of its struggle against international terrorism.

79. The fight against terrorism required the involvement of the whole international community and people of all races and religions. Useful consultations had been held in many multilateral forums, but it was now necessary to put the principles developed into practice.

80. Singapore had been the subject of terrorist threats from the Jemaah Islamiyah group and had therefore been obliged to step up its counter-terrorism efforts, with the involvement of all relevant agencies. It had also focused on raising public awareness of the terrorist threat and on strengthening societal harmony and national resilience. In addition, Singapore had been working closely with its partners in South-East Asia on areas such as intelligence-sharing and counter-terrorism training. In 2004, Singapore, Malaysia and Indonesia had begun coordinated naval patrols of the Straits of Malacca and the Straits of Singapore, which were important for world trade. The same three countries, together with Thailand, were also beginning air patrols over the Straits of Malacca.

81. Singapore was committed to the Proliferation Security Initiative (PSI), which was a useful means of filling the gaps in the existing counter-proliferation system. The Initiative took a fresh and action-oriented approach to counter-proliferation efforts. The importance of its role had been acknowledged in the report of the High-level Panel on Threats, Challenges and Change (A/59/565), which had encouraged all States to join the Initiative. To date, more than 60 countries had declared their support for it.

82. Singapore endorsed the elements of a counter-terrorism strategy identified by the Secretary-General. Such a strategy should also be based on the norms developed by the United Nations and the existing international instruments against terrorism. With regard to the draft comprehensive convention on international terrorism, it was to be hoped that all States would approach the negotiations in a spirit of compromise so as to reach a successful conclusion.

83. Terrorism threatened the very ideals of humanity and peaceful coexistence on which the United Nations was based. The international community must therefore confront it head-on and must prevail.

84. **Mr. Chaabani** (Tunisia) said that, although there had undoubtedly been an alarming and unprecedented rise in terrorist attacks worldwide, the international community should not be intimidated nor relax its determination to eliminate terrorism. It must adopt a unified approach, since split responsibilities and divergent demands could only limit its capacity to deal with the issue. Following on the success of the 2005

World Summit, the international community, in order to ward off the threats to individual countries, must display solidarity and engage in fuller coordination, at the same time seeking to address the causes of terrorism both by finding equitable solutions for a number of questions that were currently pending and by tackling poverty, exclusion and marginalization throughout the world.

85. The universality of the United Nations made it the appropriate body to adopt such an approach. That was why his delegation had suggested, as an interim measure, the convening of an international conference under United Nations auspices that would draw up an international counter-terrorism code of conduct to which States could voluntarily and freely adhere to show their political and moral commitment to a number of internationally accepted elements and principles. Improved international cooperation depended not only on a unified approach, however, but also on the harmonization of responses to the threats faced by every State, the aim being to set up an effective system of prevention and ensure that no country became a safe haven for terrorist networks.

86. Tunisia had fulfilled its obligations under the relevant Security Council resolutions and had acceded to 12 of the sectoral conventions, as well as to regional conventions and bilateral agreements on improving judicial assistance and inter-State security. It had also introduced legislation to deal with terrorist crimes, including laws on monitoring and suppressing the financing of terrorism and money-laundering. At the same time, it had taken care to conform to the human rights principles contained in international instruments and in the Tunisian Constitution. Those rights included the right to a defence, the right to a fair trial and the presumption of innocence. At the same time, it had established the Commission for Financial Analysis, which monitored transactions having a suspected link with money-laundering. Lending institutions and other financial institutions, as well as the members of certain professions, were legally required to report to the commission.

87. His delegation commended the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism. However, there remained gaps in international law that gave terrorists room for manoeuvre. A comprehensive legal framework covering every aspect of the problem and containing a definition of terrorism that was acceptable to all parties was still required. It was to be hoped that States would show the political will to increase cooperation in that regard by completing a text that would complement the existing body of laws.

88. **Mr. Mwandembwa** (United Republic of Tanzania) said that the growing rather than diminishing frequency of terrorist attacks increased the pressure on Member States to do all within their power to finalize the draft comprehensive convention on international terrorism.

89. In paragraph 83 of the 2005 World Summit Outcome, the Heads of State and Government had committed themselves to the completion of the work during the current session. The adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, and the fact that a large number of States that had signed the Convention on the day it was opened for signature, were proof that many States were committed to the war against terrorism.

90. His Government intended to sign and ratify the Convention in the near future. He was pleased to announce that his country's ratifications of international counter-terrorism conventions had increased to nine; and the ratification process was under way in the case of the three more. The national police force had reinforced its anti-terrorism unit so as to be able to fight the terrorist threat within the country's boundaries. The authorities were also doing their best to comply with the reporting obligations imposed by the relevant Security Council resolutions. Ultimately, however, the war against terrorism could be won only through cooperation. The world community should build an effective global partnership between States and institutions to prevent and combat terrorism and violent conflicts.

91. **Mr. Kanu** (Sierra Leone) said that his country condemned terrorism in all its forms and manifestations and shared the view that terrorism constituted a threat to all that humanity stood for. In accordance with the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, Sierra Leone supported all efforts to combat terrorism. However, the legitimate struggle of peoples in defence of their right to independence or self-determination must be distinguished from terrorism. At the same time, the indiscriminate killing of innocent civilians could not be justified by any cause.

92. Sierra Leone welcomed the Secretary-General's call for a global strategy to counter terrorism, which should tackle the root causes of the phenomenon, such as poverty and youth unemployment. Unemployed young people who believed they had no stake in society provided a ready target for terrorist recruitment. The connection between terrorism and inadequate economic development should be fully recognized. In that context, Sierra Leone urged the international community to assist in the implementation of the Doha Plan of Action negotiated by developing countries in June 2005.

93. Sierra Leone shared the view that human rights should never be compromised in the fight against terrorism. It therefore supported the Secretary-General's call for the appointment of a special rapporteur to examine the counter-terrorism measures taken by States and report on their compatibility with international human rights laws.

94. An effective counter-terrorism strategy required the cooperation of all States at the bilateral, regional and international levels. Such cooperation should take place in conformity with international law, and States must ensure that those who perpetrated or conspired to perpetrate terrorist acts were denied safe haven and brought to justice on the basis of the principle of *aut dedere aut judicare* (extradite or prosecute).

95. Sierra Leone was party to 12 of the international instruments against terrorism and had recently signed the International Convention for the Suppression of Acts of Nuclear Terrorism. At the national level, practical measures had been put in place to ensure that the country's territory was not used for terrorist activities. Sierra Leone would be taking a flexible approach to the negotiations on the draft comprehensive convention on international terrorism and believed that the outstanding differences of opinion could be overcome. The international community owed it to future generations to finalize and adopt the draft convention at the current session.

96. **Mr. Tajima** (Japan) said that a certain amount of progress had been made in enhancing international counter-terrorism activities through bilateral cooperation and regional and multilateral frameworks. Nonetheless, grief and tragedy continued to be visited by terrorists on people throughout the world. Counter-terrorism was of the highest priority for the protection of people and civilization. The most important element in the prevention and eradication of terrorism was to deny safe haven to terrorists. To that end, it was essential to strengthen the international legal framework and ensure that those who had committed acts of terror were brought to justice. An expeditious conclusion to the negotiations on the draft comprehensive convention on international terrorism would thus be in the interests of the entire international community. It would also demonstrate unambiguously that the United Nations had taken an uncompromising stance against terrorism. Member States had already reached agreement on almost every article of the draft convention. The remaining issue to be resolved was how to differentiate terrorism from the principle of self-determination in relation to peoples under foreign occupation.

97. The deliberate targeting and killing of civilians could not be justified by any cause or grievance. A solution to the issue of self-determination should be pursued independently of the negotiations on the draft convention. Care must be taken, however, to ensure that no ambiguity was allowed to arise with regard to the scope of the draft convention. The questions of regional stability and the protection of the people of each State should also be taken into account. A new proposal had been put forward that might be acceptable to all. Alternatively, it could serve as the basis for a consensus. His delegation trusted that Member States would show wisdom and the utmost flexibility.

The meeting rose at 12.55 p.m.

United Nations A/C.6/60/SR.5

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Summary record of the 5th meeting
Held at Headquarters, New York, on Monday 10 October 2005, at 10 a.m.

Chairman: Mr. Yañez-Barnuevo (Spain)
later: Mr. Hmoud (Vice-Chairman) (Jordan)

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05-54163 (E)

The meeting was called to order at 10.10 a.m.

Agenda item 108: Measures to eliminate international terrorism *(continued)* (A/59/894, A/60/37, A/60/164, A/60/228, A/C.6/60/2 and A/C.6/60/3)

1. **Mr. Latheef** (Maldives) said that recent events in Indonesia, Iraq and London highlighted the importance of international cooperation in fighting the evil menace of terrorism, and in particular, the role the United Nations must play in evolving an international strategy to root it out. Acts aimed at terrorizing people, wherever they occurred in the world, should be treated with equal seriousness and vigilance, and action should be taken, against both the perpetrators and those who aided and harboured them or benefited from their activities.

2. For Maldives, any terrorist attack brought back memories of the carnage caused by terrorists in that country almost two decades before. Every year since, his delegation had urged effective and timely international cooperation to combat terrorism. Maldives had strengthened its national legal framework to counter terrorism, and terrorists could no longer find a safe haven on its shores. It was a party to several regional and international counter-terrorism conventions. However, the limited human and financial resources at the disposal of Maldives, a small State, hampered its ability to combat that growing threat. It was therefore vital for the international community to assist such countries in strengthening their institutional capacity and to provide technical assistance to enable them to prevent and combat terrorism. Until the smallest and weakest country was secure, global and comprehensive peace and security would be difficult to achieve.

3. His Government maintained that increased interaction, consultation and cooperation were essential for establishing effective security arrangements and legal frameworks to complement international efforts. It was pleased to note, in that regard, that the South Asian Association for Regional Cooperation (SAARC) Regional Convention on Suppression of Terrorism had entered into force. The resolve of the international community to combat terrorism was reflected in the 2005 World Summit Outcome. The time had come to work hard and build consensus on that issue and it was to be hoped that the draft comprehensive convention on international terrorism would be adopted by the General Assembly at the current session.

4. **Mr. Baja** (Philippines) said that his country participated actively in the efforts of the Association of Southeast Asian Nations (ASEAN) to combat international terrorism. The recent attack in Indonesia demonstrated the need for rapid strengthening of international counter-terrorism efforts. Despite the numerous international counter-terrorism treaties negotiated since the 1970s, the mass murder of innocent people for political and ideological objectives continued. Noting Security Council resolution 1624 (2005) and the activities of the relevant ad hoc Security Council committees, he said that the time had come for the Sixth Committee to adopt the draft comprehensive convention on international terrorism.

5. The Philippines had not been spared, from violent terrorist attacks, and it had fought back with vigilance, bilateral and regional security networks and inter-faith dialogue. It had also negotiated a web of bilateral and trilateral cooperative agreements, in a range of areas including information exchange and border security patrols, with ASEAN member countries and its dialogue partners in their efforts to interdict terrorists both on land and sea. Comprehensive measures should be taken to eliminate safe havens for terrorists and deny funding for their activities. Those measures should include projects aimed at eliminating poverty, reducing disenfranchisement, protecting liberties and safeguarding human rights and promoting development. The Philippines believed that to combat terrorism it was important to win hearts and minds.

6. The draft comprehensive convention on international terrorism which would, among other things, provide the legal backbone for countries unable to take counter-terrorism measures on their own, should be adopted on an urgent basis. The International Convention for the Suppression of Acts of Nuclear Terrorism, which the Philippines had signed, would not only prove to be an effective instrument, but also symbolized the ability of Member States to find common ground in the pursuit of a worthy goal. It should also encourage States to adopt the draft comprehensive convention on international terrorism. Curbing terrorism, however, would require resources. Although terrorists aimed to divide peoples and thrived on their differences, his Government believed the United Nations could find common ground to defeat a

common adversary and must stand united in its common goal to rid the world of terrorism.

7. **Mr. Medrek** (Morocco) said that recent events in London and Indonesia had called attention once again to the threat posed by terrorism to international peace and security. Terrorism had been firmly condemned at the 2005 World Summit, and Morocco believed that the United Nations was the appropriate forum for developing a coordinated response of all States in combating terrorism. In that regard, he recalled that the Sixth Committee had adopted the International Convention for the Suppression of Acts of Nuclear Terrorism — which had strengthened the existing legal regime for countering terrorism — under a Moroccan Chairman. There were still gaps in that regime, however, and therefore no effort should be spared in concluding at the current session the comprehensive convention on international terrorism, which would complement existing sectoral conventions, while preserving their individual strengths. It was nevertheless necessary to clarify the relationship between the comprehensive convention and the sectoral conventions, and to adopt a universal legal definition of terrorism. Under the chairmanship of Morocco, the Sixth Committee had held informal consultations the previous summer in which progress had been made in resolving a number of controversial issues related to the definition of terrorism. His Government believed that consensus on the comprehensive convention was within reach if the various areas of international law in question could be clearly distinguished. In any event, no effort should be spared to reach a conclusion before the end of 2005.

8. It was essential to be aware that individual actions of States were no longer sufficient and would be ineffective in confronting the magnitude of the threat. The success of any common action would depend on active solidarity among all States and the implementation of a multifaceted global strategy. In developing such a strategy, however, it was important to confront the factors contributing to terrorism while at the same time ensuring respect for international law and human rights.

9. His Government had worked continually, steadfastly and unambiguously to combat terrorism, and would continue to do so, whatever the causes or motivations and whoever the perpetrators: terrorism did not arise from any particular country, religion or culture. Morocco, which on 15 May 2003 had been the victim of unprecedented terrorist attacks, understood the scope of the challenge. It had undertaken a long-term programme to strengthen the process of democratic development, which had been the true target of those criminal attacks, including measures to bolster national legislation, such as, inter alia, the adoption of a counter-terrorism act which defined a terrorist crime, provided for the relevant punishments, set police and legal procedures, and addressed financing for terrorism, in conformity with the International Convention for the Suppression of the Financing of Terrorism. In addition, an act on money-laundering was currently being adopted.

10. Morocco's national efforts to combat terrorism were bolstered by a regional approach that had been strengthened and fine-tuned, involving regional organizations and African, Arab and Euro-Mediterranean strategic partners and allies, and by bilateral agreements in the areas of judicial assistance and extradition. Morocco was a party to virtually all the international legal instruments either directly or indirectly related to terrorism and fully supported Security Council resolutions on terrorism, having submitted all relevant country reports within the established time-frames. In addition, Morocco had been the first country to accept a visit from members of the Committee against Torture; that had taken place in March 2005.

11. Morocco urged the members of the Ad Hoc Committee on Terrorism and concerned Member States to set aside their differences and try, for one last time, to reach a consensus on the draft comprehensive convention on international terrorism.

12. **Mr. Lavalle-Valdés** (Guatemala) said that his country, El Salvador and Mexico had suffered significant losses in the wake of the recent natural disaster; he offered his condolences to the two latter countries, as well as to India and Pakistan, which had also been struck by catastrophe in recent days.

13. He would like to add some observations to the statement made by Argentina on behalf of the Rio Group. Terrorism, in the view of Guatemala, was an execrable phenomenon and a challenge for all of humanity. All terrorist actions were aimed, intentionally and without justification, at the lives of persons or the destruction of property. That could not, however, give the full picture of its evil. A common criminal rarely planned to carry out massacres and

destruction of the greatest possible magnitude, and if he did, he did not enjoy the support of other persons and could not acquire sophisticated means for carrying them out. Horrifyingly, weapons of mass destruction, which were not available to common criminals, were available to terrorists.

14. Special national and international measures were thus warranted. It should be remembered that terrorists could draw on the exorbitant earnings of common criminals, notably those engaged in drug trafficking or transnational organized crime, to finance their activities. It was also worth noting that some sectors of the population were sympathetic to the aims of terrorists, whereas that was not the case for common criminals. Terrorists could therefore acquire resources from formally legal organizations pursuing legal purposes.

15. In addition, terrorist acts almost always had an international dimension. It was rare that a terrorist action using bombs was not covered by article 3 of the International Convention for the Suppression of Terrorist Bombings; and, since explosives were the favourite material of terrorists, that instrument thus became a kind of general treaty against terrorism. The definitions of terrorism contained in the Convention for the Prevention and Punishment of Terrorism, of 1937, and a similar draft treaty presented in the United Nations in 1973, characterized terrorism as a crime against a State. That idea was not embodied explicitly in the treaties, declarations and resolutions adopted since 1970 by the United Nations, the specialized agencies and the International Atomic Energy Agency (IAEA).

16. However, terrorist attacks almost always were, or seemed to be, directed against particular States. In addition, terrorists often organized their activities in, or received assistance from, States other than those where the crime was committed, which might suggest some complicity or neglect on the part of the authorities of those countries. Furthermore, it was clear, despite the often confused motives of terrorists, that those motives tended to exacerbate passions incompatible with harmony among nations.

17. The numerous regional and international texts adopted, including the 2005 World Summit Outcome, were inadequately coordinated; for example, the lack of uniformity among definitions of terrorism, and the unsatisfactory drafting of those definitions. In addition, Security Council resolution 1373 (2001), the principal proactive measure for combating international terrorism, possibly contained no definition at all. That omission had been discovered before the adoption of resolution 1566 (2004), which did contain a definition. It therefore seemed that the definition contained in resolution 1566 (2004) should also apply to resolution 1373 (2001). The Government of Guatemala hoped that those resolutions, both grounded in Chapter VII of the Charter of the United Nations, could be interpreted in that sense. Lastly, he said that Guatemala would spare no effort to eliminate the scourge of terrorism, within the limits of its abilities.

18. **The Chairman** said he, too, wished to offer his sincere sympathies to the families of the victims of the disasters that had occurred recently in Guatemala, El Salvador, India, Mexico and Pakistan.

19. **Mr. Aliyev** (Azerbaijan), noting that the number of terrorist acts around the world continued to increase, reiterated his country's unequivocal condemnation of terrorism, which threatened the security, sovereignty and territorial integrity of States and undermined peace, democracy and development. Measures to eradicate terrorism should address its root causes, which included unresolved conflicts, poor State-building, poverty and lack of human rights. In addition, action should be taken to tackle the related phenomena of extremism, aggressive separatism, organized crime, drug trafficking, money-laundering and arms proliferation.

20. Regrettably, the need for a coordinated international response to terrorism had not been recognized until after the attacks of 11 September 2001. The 2005 World Summit Outcome had stressed the need to conclude a comprehensive convention on international terrorism during the current session of the General Assembly. Political will on all sides would make it possible to achieve that objective, and Azerbaijan stood ready to play its part. The new instrument would help to fill the gaps in the existing counter-terrorism regime. Azerbaijan also welcomed the recent adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, which had already been signed by many Member States, including Azerbaijan. It was now crucial to implement all the existing instruments effectively, and Azerbaijan welcomed the contribution of the Security Council in that regard.

21. His Government supported the proposal made by the King of Saudi Arabia to establish an international counter-terrorism centre and also the proposal of Egypt that a special session of the General Assembly should be convened to consider the adoption of an action plan for cooperation against terrorism. All measures to counter terrorism should be strictly based on the rule of law and, in that context, Azerbaijan supported the suggestion of Tunisia that an international counter-terrorism code of conduct should be elaborated.

22. Azerbaijan had acceded to all the international instruments against terrorism and a number of European conventions and had taken steps to amend its domestic legislation accordingly. It was also involved in various regional and international efforts to combat terrorism, including within the framework of bilateral and trilateral agreements. On a practical level, Azerbaijan was providing peacekeeping contingents for a number of trouble spots around the world.

23. Azerbaijan attached great importance to ensuring that the energy and transport corridors across its region were secured against transnational threats, including terrorism. It was therefore involved in strengthening cooperation within the GUAM group of countries (Georgia, Ukraine, Azerbaijan and Moldova), in particular through the establishment of the GUAM Virtual Centre on Combating Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crime and the GUAM Inter-State Information Management System.

24. **Mr. Al-Abdulla** (Qatar) condemned all forms of terrorism which was the common enemy of all peoples and must be combated. However, the fight against it must be consistent with the principles of the Charter of the United Nations and international law and the norms of international justice, humanitarian law and human rights law. Both goals and the root causes of the phenomenon must be taken into consideration, but double standards should be avoided. Cooperation among Member States and international, regional and non-regional organizations should be broadened to oppose the danger of terrorism.

25. The world expected the United Nations to exercise leadership in the global campaign against terrorism and that was also the position of Qatar. His Highness Sheikh Hamad bin Khalifa Al-Thani had stated at the tenth Islamic Summit Conference in Malaysia in 2003 that terrorism remained one of the most important challenges facing the world and that Qatar supported all measures to eliminate it.

26. Qatar also supported the international legal and political efforts aimed at combating terrorism and believed States needed to reach a compromise formula for the comprehensive convention on international terrorism. A legal definition of terrorism should consider the distinction between acts of terrorism and the right of people to seek liberation from a foreign occupier. It should also consider State terrorism as a part of the terrorism phenomenon.

27. A high-level conference should be convened under United Nations auspices to formulate a joint response of the international community to terrorism in all its forms. The United Nations should play an essential role in global counter-terrorism efforts, provided they were consistent with the goals of the Charter of the United Nations and with international human rights law and international humanitarian law.

28. International efforts should be pursued to promote dialogue and understanding between civilizations, strengthen the culture of peace, and prevent the targeting of specific religions and cultures. Regional conflicts, especially those relating to the question of Palestine and the situation in Iraq, should be addressed. The frustration which induced extremism and terrorism would not disappear without treating the causes of those conflicts. Poverty and social and economic injustice, which provided fertile ground for terrorism, must be eliminated. The United Nations should study the causes of terrorism and draw up a long-term strategy to fight it.

29. Qatar had dealt with terrorism through the rule of law and by strengthening democracy and respect for human rights. It had acceded to regional and international conventions on terrorism and was currently studying the matter of acceding to other related international conventions. It cooperated with the Counter-Terrorism Committee and assumed its legal responsibilities, to implement the Security Council resolutions on terrorism in accordance with the Charter of the United Nations.

30. **Mr. Boonpracong** (Thailand) said that terrorism had become an issue of grave concern to the entire international community, and Thailand unequivocally condemned it. Terrorism undermined freedom from fear and constituted one of the most serious threats to international peace and security.

31. Thailand welcomed the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism and had been one of the first States to sign it. The Convention was the result of considerable efforts and compromise on all sides and should therefore attract a high level of support from the international community. Thailand encouraged other States to sign and ratify the Convention without delay.

32. The adoption of legal instruments should be accompanied by efforts to address the root causes of terrorism, including poverty, social deprivation, human rights abuses and discrimination. Moreover, it was vital to uphold the protection of human rights in counter-terrorist activities.

33. Thailand supported the proposal made by Egypt to convene a special session of the General Assembly in order to adopt an action plan for cooperation against terrorism, which would build on the momentum of the 2005 World Summit. It would also be worth exploring the idea of establishing an office of a high commissioner on terrorism to ensure coherence among the different United Nations departments and offices dealing with the issue.

34. Thailand endorsed the call made at the 2005 World Summit for the conclusion of the draft comprehensive convention on international terrorism, including resolution of the thorny issue of the definition of terrorism. It was to be hoped that a spirit of compromise would enable past differences to be resolved, since the draft convention was urgently needed by the international community.

35. **Mr. Soe** (Myanmar) condemned the recent terrorist attacks in Indonesia, which had given his country cause to recall the bombings carried out in Yangon on 7 May 2005, in which 23 people had been killed and many others wounded. As a victim of terrorism, Myanmar condemned it in all its forms and manifestations.

36. Myanmar had taken a number of measures to combat terrorism at the national, regional and international levels. It was a party to 10 of the international instruments against terrorism and had signed a further one. Comprehensive laws on counter-terrorism and civil aviation security were currently being drafted. Myanmar had acceded to the United Nations Convention against Transnational Organized Crime and two of the protocols thereto: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. It had recently promulgated a law against trafficking in persons to give effect to the relevant provisions of those instruments. It had also passed laws on the control of money-laundering, in accordance with the Forty Recommendations of the Financial Action Task Force on Money Laundering (FATF), and on mutual assistance in criminal matters, with the assistance of the United Nations Office on Drugs and Crime (UNODC) and FATF.

37. Myanmar was involved in a number of regional counter-terrorism initiatives within the context of the Association of Southeast Asian Nations (ASEAN). Like its fellow members of ASEAN, it believed that measures to combat terrorism should be implemented in conformity with international law, particularly the principles of national sovereignty, territorial integrity and non-interference in the internal affairs of States.

38. **Mr. Adekanye** (Nigeria) said that terrorism remained a serious threat to peace and security, undermined the rule of law and democracy and violated human rights. It also destroyed physical and economic infrastructure and impeded sustainable development. Nigeria therefore condemned terrorism as a criminal activity that could not be justified on any grounds.

39. Nigeria commended the measures being taken by the United Nations to combat terrorism, in particular the activities of various Security Council committees, and welcomed the recent adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism. It was vital for the Counter-Terrorism Committee to be properly funded and staffed and for adequate technical assistance to be provided to States that needed it. The visit to Nigeria by the Counter-Terrorism Committee in 2004 had proved very useful. Arrangements were already in place for a further visit to update the Committee on the country's most recent counter-terrorism measures, which included the current enactment of a comprehensive bill to combat terrorism.

40. In the fight against terrorism, it was vital to respect human rights, due process and the rule of law. Moreover, when implementing counter-terrorism measures, the relevant committees should maintain adequate consultation with the authorities of the States concerned and ensure transparency. To that end, his delegation called for clear guidelines for the listing and

delisting of persons and entities alleged to be associated with terrorist acts.

41. Efforts to fight terrorism should go hand in hand with efforts to address its root causes, which included unresolved conflicts, unemployment and poverty. His delegation therefore called for the urgent implementation of the Millennium Development Goals, the Monterrey Consensus of the International Conference on Financing for Development and the 2005 World Summit Outcome.

42. Nigeria reiterated the need to draw a clear distinction between terrorism and legitimate struggles for self-determination, freedom and independence, in accordance with international law. All international efforts to combat terrorism should be based on multilateral action, as authorized by the Charter of the United Nations and other international instruments. In addition, Nigeria called on Member States to plug all loopholes that allowed terrorists to acquire arms. Nigeria welcomed the efforts to negotiate an international instrument on tracing illicit small arms and light weapons, but looked forward to the emergence of a more effective instrument.

43. His delegation supported the call for a high-level conference under United Nations auspices to formulate a joint international response to terrorism. However, the draft comprehensive convention on international terrorism should be adopted first if such a conference was to have maximum impact. He therefore urged all Member States to demonstrate the flexibility and political will required to finalize the draft convention during the current session.

44. The world should unite in its efforts to eliminate the scourge of terrorism, so that all States and peoples could achieve the goal of development in peace and security.

45. **Mr. Barriga** (Liechtenstein) said that his country strongly condemned all acts of terrorism and was committed to contributing fully to international efforts to combat terrorism, including through cooperation with the relevant United Nations bodies. Liechtenstein had on many occasions stressed the need to respect human rights and due process standards in the fight against terrorism, particularly with regard to action taken at the multilateral level, where judicial recourse for individuals was limited. Liechtenstein had also signed the International Convention for the Suppression of Acts of Nuclear Terrorism and was a party to the other 12 international instruments against terrorism.

46. One of the Committee's major tasks at the current session was to finalize the draft comprehensive convention on international terrorism. His delegation was confident that all members of the Committee would work hard to achieve that goal. The draft convention would fill the gaps in the existing international legal regime against terrorism. Virtually all acts commonly regarded as terrorist acts were covered by the existing instruments, but it remained necessary to elaborate a broader definition, both for the sake of legal clarity and in order to ensure that possible future developments in terrorist activities were provided for.

47. **Mr. Limon** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), reiterated CARICOM's total condemnation of terrorism in all its forms and manifestations. In an increasingly interdependent and globalized world, States must cooperate to address the threat to humanity posed by terrorism. A multilateral approach was the only sensible way to achieve that aim.

48. CARICOM commended the progress made by the United Nations in efforts to combat terrorism, including the recent adoption of the International Convention on the Suppression of Acts of Nuclear Terrorism. It also supported the proposal to elaborate a comprehensive strategy to counter terrorism.

49. The member States of CARICOM remained committed to the fight against terrorism. However, as they were small countries with limited resources, it was becoming increasingly difficult for them to meet their international obligations in that regard. They were therefore pleased to note the recognition in the 2005 World Summit Outcome that many States continued to require assistance in implementing the relevant Security Council resolutions. Commitments made to provide such assistance should be fulfilled.

50. CARICOM would work with other Member States to implement the 2005 World Summit Outcome while maintaining respect for human rights and international law. It was vital to promote dialogue among civilizations and to ensure that international cooperation comprised not only measures to fight terrorism in the immediate term but also measures to address its root causes.

51. CARICOM was in favour of a comprehensive convention on international terrorism containing a clear operational definition of terrorism and endorsed the consolidated text prepared by the coordinator of the informal consultations on the draft convention. The member States of CARICOM also welcomed the Secretary-General's identification of elements of a counter-terrorism strategy and would cooperate with other delegations to formulate such a strategy.

52. CARICOM would take all necessary action to achieve a world free of terrorism, while remaining mindful of its duty to abide by the Charter of the United Nations and other provisions of international law.

53. **Mr. Acharya** (Nepal) said that the recent bombing in Bali was a grim reminder of the global menace of terrorism, which seriously threatened international peace and security and impeded social and economic development. Nepal had in recent years been a victim of terrorism that was no different from that experienced elsewhere: it was a form of international terrorism that targeted innocent civilians and undermined human rights, including the most important human right, the right to life.

54. A legal definition of terrorism was essential if terrorism were to be fought effectively through international legal instruments. In simple terms, terrorism could be defined as violence with a purpose that targeted innocent civilians. The wording of the 2005 World Summit Outcome, which condemned terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, could also be incorporated into a definition of terrorism.

55. No distinction should be drawn between domestic and international terrorism. All terrorist acts, wherever committed, were international in nature because they used funding and resources acquired through clandestine international networks, and all constituted a threat to global peace and security. Moreover, there was no room for selective standards in dealing with terrorism. It was not acceptable to talk of addressing the root causes of terrorism in one place while calling for decisive action against terrorism elsewhere.

56. The Government of Nepal condemned terrorism in all its forms and manifestations and supported the efforts of the United Nations to enhance the national counter-terrorism capacities of Member States. The existing framework of international legal instruments provided a solid basis for those efforts. Nepal was a party to many of those instruments and had adopted domestic measures to implement them. It also welcomed the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism. Attention should now be focused on finalizing the draft comprehensive convention on international terrorism.

57. His delegation supported the work of the Security Council and its subsidiary bodies in combating terrorism pursuant to the relevant resolutions. The Government of Nepal had taken a number of measures to implement those resolutions and was also committed to implementing the recently adopted Security Council resolution 1624 (2005).

58. The South Asian Association for Regional Cooperation (SAARC) had adopted an Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism. Nepal was a party to the Convention, along with the other six members of SAARC. Regional instruments could help strengthen cooperation between the United Nations and regional bodies in efforts to combat terrorism.

59. The Government of Nepal reiterated its commitment to combating terrorism and called upon the international community to continue cooperating with Nepal in that regard. Concerted action was needed to protect the foundations of peace, justice and democracy from terrorism.

60. **Mr. Hmoud** (Jordan) said that his Government condemned all forms of terrorism, which constituted a threat to international relations and to economic and social development. Terrorists strove to spread hatred among peoples and civilizations and to foment racism and racial and religious discrimination; but they should not be allowed to succeed. Terrorists were not restricted to any one ideology, culture or religion; what made them terrorists was their actions. If that was not well understood, the effect would be to create fertile ground for terrorists to spread their extremist ideology. Similarly, respect for human rights should be built into any counter-terrorism measures at either the national or the international level.

61. On that basis, his delegation supported the strategy outlined by the Secretary-General and hoped that, following the adoption of the 2005 World Summit Outcome, serious consideration would be given to the means to implement it. The General Assembly and the

Security Council should complement each other's efforts. The General Assembly must thus follow up Security Council resolutions with a comprehensive framework based on conviction rather than coercion. His Government had initiated the process of signing and ratifying the International Convention for the Suppression of Acts of Nuclear Terrorism and stood ready to work on resolving outstanding issues relating to the draft comprehensive convention on international terrorism. It welcomed the proposal by Saudi Arabia that a task force should be set up to study the establishment of an international centre to combat terrorism. It also supported the call by the Egyptian delegation for the convening of an international conference on terrorism.

62. **Mr. Makayat-Safouesse** (Congo) said that poverty, exclusion and despair provided no justification for terrorist acts that aimed to undermine the very foundations of States and the values and principles of the United Nations. It was therefore essential to adopt a comprehensive international legal framework which, in conjunction with existing international law, would be effective in countering terrorism in all its forms and manifestations. Even though there were differences over the detail, the political will existed, as shown by the positions adopted by States at the International Counter-Terrorism Conference held in Riyadh in February 2005 and the International Summit on Democracy, Terrorism and Security held in Madrid in March 2005. Further support was provided by the proposals of the High-level Panel on Threats, Challenges and Change and those of the Secretary-General himself. To achieve practical results, flexibility would be required and solutions would need to be found to such problems as the definition of terrorism, the activities of armed forces, the distinction between terrorism and the struggle of peoples for self-determination and the concept of State terrorism. The adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism had shown that the international community could overcome its differences. His delegation trusted that the draft comprehensive convention on international terrorism could be completed during the current session. Any delay in doing so would inevitably be interpreted as a lack of political will on the part of the international community, which would send the wrong message to terrorists. At the same time, the draft convention must observe humanitarian law and respect for human rights.

63. His Government continued to fulfil its obligations under Security Council resolution 1373 (2001) and the Organization of African Unity Convention on the Prevention and Combating of Terrorism. It had ratified most of the sectoral conventions. It had also participated in action by the Central African Economic and Monetary Community (CEMAC) to coordinate action on money-laundering and the financing of terrorism.

64. **Mr. Adsett** (Canada) said that the International Convention for the Suppression of Acts of Nuclear Terrorism, already signed by his Government, represented the penultimate complement to the overarching international legal framework on terrorism, which needed to be completed by rapid agreement on the draft comprehensive convention on international terrorism. The momentum provided by the opening for signature of the International Convention and the adoption of the 2005 World Summit Outcome should be used to finalize negotiations on the draft comprehensive convention. His delegation believed that it should be possible to reach agreement on the basis of the coordinator's text.

65. Efforts to combat terrorism could be successful only if pursued in full compliance with international law, including international human rights, refugee and humanitarian law. The United Nations must uphold its central role in setting international counter-terrorism standards and coordinating the global fight against terrorism. The Committee — and each representative — had an important role to play in meeting the objective of reaching agreement on the draft comprehensive convention during the current session.

66. **Mr. Shin** Kak-soo (Republic of Korea) said that the international community must stand firm in its fight against terrorism. Its message should be clear and its action decisive, because terrorists would interpret any disagreement as an espousal of their causes. Following the welcome adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, which the Republic of Korea had signed and would shortly ratify, he urged other States to accede to all the anti-terrorism instruments and to work towards the early entry into force of the International Convention. Although the General Assembly had taken the lead in establishing international norms and fostering international solidarity, it was for Member States to bear the responsibility of the fight against terrorism by complying with international agreements and building

a seamless network of international cooperation to that end. His delegation supported the Secretary-General's counter-terrorism strategy. It also valued regional and subregional efforts to combat terrorism, since the holistic approach was essential in suppressing the rapidly developing, clandestine terrorist networks that exploited the benefits of globalization for their own heinous purposes.

67. There was an urgent mandate to adopt the draft comprehensive convention on international terrorism. Although there remained some differences regarding outstanding issues, the General Assembly had shown that it could overcome differences, if States continued to show the flexibility and compromise that had been on display in the unanimous adoption of the International Convention. The momentum created must not be lost. At the same time, the draft comprehensive convention should aim only to fill the gaps that existed in the current instruments. Any attempt to introduce an all-encompassing definition of terrorism would not only stall the completion of the draft convention but distort the relationship between it and the 13 existing instruments. Article 2 of the draft text proposed by the coordinator already provided an operational definition of terrorist acts. His delegation fully supported the right to self-determination, as provided for in draft article 18, paragraph 1, of the coordinator's text, but it would be willing to emphasize the point in a new preambular paragraph. As for the illegal activities of State actors, they were adequately regulated by international law; but the normative tools to fight terrorism perpetrated by non-State actors were lacking. The coordinator's text included all the forms of terrorist activity that needed to be regulated by the draft comprehensive convention. The Committee should make a serious attempt to reach agreement on the last remaining issues.

68. **Mr. Lobach** (Russian Federation) said that, despite the best efforts of the international community to institute effective measures, the terrorist threat remained at a critical level. The most effective response must be based on the standards and principles of international law, and above all the Charter of the United Nations. The priority must be for States to extend and strengthen their cooperation on international law and counter-terrorism. Progress had already been made in that direction over the past year, with the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism and the adoption of Security Council resolution 1624 (2005). The 2005 World Summit Outcome had also been significant. Even though a full convergence of views had proved impossible, the debate had brought States closer together on a number of key aspects of counter-terrorism and increased the scope for compromise solutions on outstanding issues. It was to be hoped that the call in the World Summit Outcome to complete the draft comprehensive convention on international terrorism would be heeded. The momentum built up over the past months gave rise to hope that that could be achieved.

69. He reiterated his delegation's view that the text proposed by the coordinator should serve as the basis for universally acceptable terminology for the remaining draft articles. It was also important to formulate a comprehensive counter-terrorist strategy, which would be the cornerstone of a contemporary system of collective security. The five elements of the strategy put forward by the Secretary-General should be widely discussed and elaborated. As many Member States as possible should participate in elaborating practical measures, establishing performance indicators, setting up accountability procedures and allocating appropriate roles to the various United Nations bodies. As they stood, the elements needed further refinement and extension.

70. His delegation supported the proposal for the convening of a United Nations high-level conference, at which the international community could devote serious attention not only to a comprehensive counter-terrorist strategy but to a whole range of issues — some very problematic — relating to counter-terrorism.

71. **Ms. Hooker** (New Zealand) said that the terrorist attacks all over the world during the past year demonstrated that no people or region was immune to the horrors of terrorist violence. Her delegation therefore welcomed the decision to develop a comprehensive United Nations counter-terrorism strategy without delay. It also welcomed the impetus given in the 2005 World Summit Outcome to concluding the draft comprehensive convention on international terrorism during the current session.

72. New Zealand had ratified 12 of the 13 United Nations anti-terrorism conventions and had signed the International Convention for the Suppression of Acts of Nuclear Terrorism. While welcoming Security Council resolution 1617 (2005), however, her

delegation believed that further steps should be taken to ensure that the basic standards of due process were met. It supported the European Union's call for enhanced transparency in the procedures for placing individuals and entities on sanctions lists and for removing them from such lists.

73. In the Asia-Pacific Region, New Zealand participated in regional counter-terrorism dialogue. It had recently concluded a counter-terrorism declaration with the Association of Southeast Asian Nations (ASEAN) and a bilateral counter-terrorism memorandum of understanding with Fiji. In June, it had hosted the inaugural Pacific Working Group on Terrorism, as part of a broader effort to work with its regional partners to enhance their common legal and operational counter-terrorism infrastructure. Senior officials from around the Pacific had discussed issues of relevance for Pacific island countries in implementing international counter-terrorism standards. It was important to acknowledge the challenges faced by small developing States in meeting the numerous requirements of international counter-terrorism instruments. Her delegation had thus joined other Pacific countries in suggesting that the Pacific Islands Forum Secretariat should submit a collective report in respect of each Security Council counter-terrorism resolution. It also supported the suggestion that Pacific island countries should meet the Security Council face to face to discuss challenges relating to international counter-terrorism. Meanwhile, it had offered Pacific Island Forum members assistance with the completion of their outstanding reporting requirements under Security Council resolution 1267 (1999), 1373 (2001) and 1540 (2004).

74. It was important to address the underlying causes of terrorism. Dialogue between the leaders of religious communities was an important component of efforts to bridge the divides between communities. The Dialogue on Interfaith Cooperation, sponsored by Australia and Indonesia in 2004, had initiated an important process that could enhance regional peace and security.

75. *Mr. Hmoud (Jordan), Vice-Chairman, took the Chair.*

76. **Mr. Mekdad** (Syrian Arab Republic) said his delegation condemned all forms of terrorism, which posed a danger necessitating joint action by the international community. However, given the efforts by some to treat people exercising their natural right to self-defence as terrorists, a distinction must be drawn between the reprehensible crime of terrorism and the lawful struggle for liberation, defined as a right by the United Nations Charter. It was also necessary to focus on the causes of terrorism.

77. The work of the Ad Hoc Committee and the Working Group established by General Assembly resolution 51/210 made an important contribution to the formulation of a joint response to terrorism. The comprehensive convention on international terrorism should not exclude State terrorism or acts by military forces in contravention of the Charter of the United Nations and international law.

78. His Government endorsed the statement of the Organization of the Islamic Conference (OIC) concerning the holding of an international conference under United Nations auspices; his country had been the first to propose such a conference, in 1986.

79. His Government had examined the elements of the Secretary-General's comprehensive strategy to combat terrorism and hoped that further consultations would lead to the adoption of a strategy that would help to coordinate national efforts and remove ambiguity in the work of United Nations organs regarding counter-terrorism. The strategy should include a definition of State terrorism.

80. The Syrian Arab Republic, which had suffered from terrorism, was fulfilling the requirements of the Counter-Terrorism Committee, including the effective application of sanctions set out in the Security Council lists. His Government affirmed its readiness to continue international cooperation to eliminate terrorism; it had undertaken to ratify most of the counter-terrorism conventions, and had adopted legislation to meet its international obligations under those instruments including the recent law against money-laundering. It had participated in the debate on the International Convention for the Suppression of Acts of Nuclear Terrorism and had been one of the first to sign it. The Syrian Arab Republic was ready to cooperate with a view to the adoption of a comprehensive convention on international terrorism which closed the loopholes in existing conventions.

81. His Government supported the OIC statement concerning the text prepared by the coordinator. The discussion of the text of the comprehensive convention should be transparent, but the coordinator's document was not conducive to transparency and would lead only

to complications and unnecessary procedural arguments at an important stage of the negotiations.

82. **Mr. Ayoob** (Afghanistan) said that his delegation wished to express sincere condolences to the victims of terrorism around the world, particularly those in Bali, scene of the most recent terrorist attacks. Those attacks had demonstrated clearly the ongoing threat that terrorism posed to international peace and security. Afghanistan condemned all acts of terrorism as criminal and unjustifiable, irrespective of their motivations, objectives, forms or manifestations.

83. His delegation believed that the United Nations had a central role to play in the fight against international terrorism and it therefore welcomed the counter-terrorism strategy proposed by the Secretary-General in his report (A/59/2005) and the establishment of a broad legal framework in the field of counter-terrorism. It also supported the idea of convening a high-level conference on terrorism under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism and to pave the way for dialogue, tolerance and understanding among religions, faiths and cultures. Afghanistan was a party to all 12 of the international conventions and protocols on terrorism and was considering becoming a party to the new International Convention for the Suppression of Acts of Nuclear Terrorism. The conclusion of that convention and its subsequent adoption by the General Assembly in April 2005 had been a significant achievement. Now, Member States needed to continue working together in a spirit of cooperation and understanding to finalize the comprehensive convention on international terrorism during the current session of the General Assembly.

84. The Committee would recall the situation that had prevailed in Afghanistan prior to the horrific events of 11 September 2001. Much had changed in the ensuing four years. The determination and political will of the Afghan people, coupled with the assistance of the international community, had resulted in the successful implementation of the Bonn Agreement. A new constitution guaranteeing fundamental freedoms in accordance with the principles of democracy had been adopted, and presidential and parliamentary elections had been held.

85. Having been one of the main victims of international terrorism, Afghanistan was strongly committed to the fight against it. In compliance with the relevant Security Council resolutions, it had adopted new legislative measures against criminal activities on which terrorists relied for support, including transnational organized crime, arms-smuggling, the production and trafficking of drugs and money-laundering. In addition, it had formulated a national drug control strategy, created a counter-narcotics ministry and established a special tribunal to prosecute those associated with the cultivation, production and trafficking of illegal drugs. In that respect, his delegation commended the United Nations Office on Drugs and Crime and its Terrorism Prevention Branch for the initiatives taken under the Global Programme against Terrorism.

86. While Afghanistan had achieved a great deal in recent years, it continued to face challenges. Terrorists remained an obstacle to peace and democracy. The remnants of the Taliban, Al-Qaida and other extremists and fanatics continued to attack Afghan citizens and threaten their security. To end terrorism and solve the drug problem, Afghanistan had to further develop democratic values, create jobs for the young and the unemployed, find alternative livelihoods for poor farmers who cultivated narcotic drugs, promote dialogue and tolerance among the different political groups, provide education for its citizens, build hospitals and clinics and, most importantly, address human development and human rights issues, especially with respect to the rights of women. To succeed, it would need the long-term assistance and cooperation of the international community. His delegation thanked all those who were involved in the fight against terrorism in Afghanistan and the surrounding region and appealed to the international community not to falter in helping the country to defeat terrorists and their extremist and fanatical ideologies.

87. **Ms. Schneeberger** (South Africa) said that her Government joined the rest of the international community in condemning terrorism in all its forms and manifestations and extended its deepest condolences to the victims of terrorism in Bali and around the world. It supported international efforts to combat terrorism, including the creation of a comprehensive legal framework to prevent and punish terrorist acts in accordance with the principles of international law and the purposes and principles of the Charter of the United Nations. South Africa was convinced that an international legal framework for cooperation among States, coupled with strong

domestic measures, would eventually yield results in combating terrorism. It had therefore become a party to 11 of the 12 counter-terrorism conventions, and the process for ratification of the twelfth convention was under way.

88. In the past year, her Government had adopted comprehensive counter-terrorism legislation that made South Africa fully compliant with the various international conventions and protocols and with the African Union Convention on the Prevention and Combating of Terrorism. The legislation created a general offence of terrorism and offences related to terrorist activities, as well as specific terrorist offences, such as terrorist bombings, hijacking of aircraft and hostage-taking.

89. South Africa welcomed the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, which it had already signed. She was confident that the same spirit of compromise that had made it possible to conclude that convention would prevail during the current session of the General Assembly, leading to the finalization and adoption of the comprehensive convention on international terrorism. Her delegation pledged its full cooperation towards that end.

90. **Mr. Toro Jiménez** (Bolivarian Republic of Venezuela) reiterated his delegation's condemnation of international terrorism in all its forms and manifestations, which, in its view, included actions that were supposedly justified as "collateral effects" of a foreign invasion. Another powerful, effective and far from negligible component of terrorism was the daily stream of lies, misrepresentations, disinformation and manipulations put out by national and international media corporations in the service of imperialism, which distorted information and hid the truth about peoples who, in the exercise of self-determination, were building their own destiny and making a new world possible. In that respect, it was essential to clearly distinguish terrorist acts from the legitimate exercise of self-defence by peoples whose right to self-determination and whose territorial and political sovereignty were being threatened or violated.

91. His delegation extended its condolences to the people and Government of Indonesia and hoped that the perpetrators of the recent terrorist attack in Bali would be apprehended and brought to justice. Should those individuals be found in another country, however, he hoped that Indonesia would not have the same experience that Venezuela had had when it had requested the extradition of Luis Clemente Posada Carriles, a terrorist of Venezuelan nationality under the protection of the United States Central Intelligence Agency (CIA). The Bolivarian Republic of Venezuela categorically rejected the decision of the Government of the United States of America, which had refused to deport Posada Carriles on the ground that he might be tortured in the Bolivarian Republic of Venezuela. The Venezuelan Constitution enshrined respect for the physical, mental and moral integrity of all individuals and expressly prohibited torture and degrading treatment. Moreover, his country was a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and it had not been cited by any international organization in recent years for having inflicted torture on any of its inhabitants. It abided by national and international guarantees against torture, as had been demonstrated in cases in which it had deported or extradited fugitives from justice from neighbouring countries.

92. His Government also supported the fight against terrorism through international and regional agreements and through bilateral treaties with a number of countries. It had signed numerous extradition treaties as well. It had submitted regular reports to the Security Council Counter-Terrorism Committee and to the Inter-American Committee Against Terrorism. At the national level, it had enacted anti-terrorism legislation. In sum, it maintained a diligent, responsible and consistent attitude towards terrorism.

93. In his Government's view, terrorists included not only those who committed terrorist acts but also those who harboured terrorists. In that regard, it could not fail to remark the inconsistent position of the Government of the United States, which had so often repeated those same words and yet was harbouring Posada Carriles and other terrorists, such as the Reverend Pat Robertson, a prominent figure in the Republican Party, who had recently called for the assassination of the President of the Bolivarian Republic of Venezuela.

94. Resolution 3034 (XXVII), adopted in 1972, had been the first General Assembly resolution on terrorism. It had been followed by a number of others, all of which unequivocally reaffirmed the inalienable right to self-determination and independence of

peoples subject to colonial and racist regimes or to any other form of foreign domination. Accordingly, in establishing the basis, reasons and criteria for the elimination of terrorism, States must recognize the legitimacy of armed struggle by such peoples to free themselves from repressive and terrorist acts committed by colonial and neocolonial powers in violation of their right to self-determination. That right, along with other important concepts such as State terrorism and the distinction between the legitimate struggle of peoples and foreign occupation, should be addressed by the comprehensive convention on international terrorism, in the preparation of which his delegation stood ready to participate.

95. **Ms. Kaplan** (Israel) noted that the past year had been a landmark year in the fight against terrorism by the global community. The conclusion of the International Convention for the Suppression of Acts of Nuclear Terrorism, the Secretary-General's report (A/59/2005) and his global strategy for fighting terrorism, and other documents and resolutions, notably Security Council resolutions 1566 (2004) and 1624 (2005), had all combined to create a unique momentum for the sixtieth session of the Sixth Committee and to reinforce the principle that no cause or grievance, however noble, could justify recourse to terrorism. Israel supported the goal of concluding a comprehensive convention on international terrorism during the current session; however, that achievement should not come at the cost of diluting the principles that would make the convention an effective tool in the fight against terrorism, particularly the basic legal and moral principle that the furtherance of political or ideological goals could never justify the murder of the innocent.

96. Self-evident as that principle sounded, many terrorist groups and States which supported them continued to insist that there were situations that gave rise to a so-called right to struggle or to resist that might somehow excuse the murder of innocents. The past year had seen considerable progress in advancing recognition that that was not the case. As the Committee approached what her delegation hoped would be the final negotiations on the text of the comprehensive convention, it must ensure that its clarity of focus was not lost and that the deliberate targeting and murder of innocents was recognized for the atrocity that it was. In that context, her delegation wished to recall that the text of article 18 of the draft convention reflected a significant compromise by States that did not consider it appropriate to include a reference to a general right of self-determination in a text designed to outlaw recourse to terrorism in all circumstances. Israel urged all States to oppose any proposal that would have the effect of creating a pretext for justifying or excusing terrorist activity or providing terrorist groups with an outlet for casting their atrocities in a positive or acceptable light.

97. While terrorism raised difficult issues for every country, it presented democracies with almost insurmountable challenges. The desire to conduct the fight against terror within the limits of international law and not in a normative vacuum could create excruciating dilemmas. In applying the rule of law, democratic States must strike a difficult and sensitive balance between two conflicting principles: the right to human security and the right to life on the one hand, and the freedom of the individual on the other. Freedom of speech was one of the vital principles of democracy. However, freedom of expression was not the freedom to incite. Israel attached great importance to Security Council resolution 1624 (2005), which acknowledged the role of incitement in fostering a culture in which terrorism could flourish.

98. For years, terrorist organizations had flouted humanitarian principles by hiding behind civilians. Now, an increasing number were adopting a similar tactic on the political level and hiding behind civil society and democratic institutions. No society should allow terrorist organizations to exploit its democratic institutions. No terrorist should be allowed to claim legitimacy or recognition simply by claiming to be democratically elected. The international community must muster the same firm resolve to confront terrorism whatever the mask that it sought to hide behind. In so doing, it was important to remember not only what was being fought against but what was being fought for, namely the most fundamental principles cherished by individuals and society at large: the right to life, the most basic freedoms and the rule of law. Those were the values that the terrorists sought to destroy and they were the values that Member States must commit themselves to defend.

The meeting rose at 1 p.m.

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Sixth Committee

Summary record of the 6th meeting
Held at Headquarters, New York, on Monday, 10 October 2005, at 3 p.m.

Chairman: Mr. Hmoud (Vice-Chairman) ..... (Jordan)

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05-54255 (E)

In the absence of Mr. Yáñez-Barnuevo (Spain), Mr. Hmoud (Jordan), Vice-Chairman, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 108: Measures to eliminate international terrorism (*continued*) (A/59/894, A/60/37, A/60/164 and A/60/228; A/C.6/60/2 and 3)

1. **Mr. Traoré** (Mali) said that recent events demonstrated the urgency of reaching a world consensus in the fight against terrorism. His Government was in favour of the coherent global strategy advocated by the Secretary-General. It had ratified all the existing subregional, regional and international instruments relating to terrorism and was taking steps to meet its international obligations under them.

2. The battle against terrorism could not be dissociated from the latter's underlying causes. Any definition of international terrorism must therefore clearly distinguish between that scourge and the legitimate struggle of peoples for independence. The international community must also take account of the greater vulnerability of certain States to terrorist acts and help them to reinforce their national and regional anti-terrorist capacity. In that context, he welcomed the Pan-Sahel Initiative. Within the constraints of its resources, his Government was committed to shouldering its responsibilities and to supporting all strategies for contending with the worldwide challenge of terrorism.

3. **Mr. Kidane** (Ethiopia) said that his Government unequivocally rejected terrorism in all its forms and manifestations and applauded the endeavours of the United Nations to lead the fight against it. The authorities of his country lent their full support to the implementation of the numerous conventions and protocols adopted by the Organization on the subject and of Security Council resolution 1373 (2001). They likewise welcomed the Secretary-General's counter-terrorism strategy.

4. The plight of many African countries had contributed significantly to the genesis and spread of terrorist activities. It was therefore high time that the international community helped to end some of the continent's protracted conflicts and to prevent the scenarios which led to failed States. While it was necessary to promote national counter-terrorism strategies and capacity-building, the strengthening of regional and subregional organizations was equally vital and donors should therefore be encouraged to devote more resources to regional counter-terrorism initiatives. Hence he welcomed the assistance already being extended to the African Union and African subregional organizations.

5. The adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism had been a major breakthrough and it was to be hoped that that success would act as a spur to the conclusion of a comprehensive convention on international terrorism at the current session, since the finalization of the convention would not only remedy legal lacunae, but also heal conceptual and ideological schisms. The Committee ought to display greater flexibility and the political will required in order to complete the convention, because its adoption would provide a strong impetus to counter-terrorism efforts at the national and international levels.

6. **Mr. O'Brien** (United States of America) said that, sadly, every year, acts of international terrorism devastated lives and property. Fulfilling the Committee's mandate to develop a strategy to promote a comprehensive, coordinated response to, and to conclude a comprehensive convention on, international terrorism was both a challenge and an obligation, since the global nature of the threat of terrorism called for a worldwide response. That strategy must have the clear objectives of removing terrorist leadership and eliminating safe havens. The elements of a comprehensive counter-terrorism strategy which the Secretary-General had outlined at the International Summit on Democracy, Terrorism and Security might form the foundation of a proactive prevention strategy.

7. It was necessary to weave a seamless global counter-terrorism web. The Secretary-General's report (A/60/228) provided a useful description of the many activities undertaken by Member States in order to achieve that goal, but those measures must be better coordinated between Member States and all parts of the Organization with a counter-terrorism mandate, including the specialized agencies, which must play a more prominent role.

8. Since substantial progress in the counter-terrorism efforts of the United Nations had been recorded during the previous year, the opportunity to complete the comprehensive convention on

international terrorism ought to be seized at the current session. To that end, his Government was prepared to accept the operative paragraphs set forth in the consolidated text and to discuss the inclusion of a preambular paragraph concerning protection of the principle of self-determination. Disagreement on how to deal with that issue must no longer delay the adoption of the convention. Recent terrorist attacks had not been designed to advance self-determination or national liberation, but had been criminal acts aimed at overthrowing the existing international system. No Government was safe from them. No cause or religion should be held hostage to such antisocial behaviour. As peoples seeking self-determination moved ever closer to achieving their aspirations, the latter should not be sullied by making them the central issue dominating the debate about terrorism. It was necessary to move forward and to leave behind stale rhetoric that only served the cause of terrorism by dividing the international community. His Government looked forward to helping to bring the Committee's work on the subject to a successful conclusion.

9. **Ms. Aghajanian** (Armenia) said that the terrorist attacks in the past year in the Russian Federation and the United Kingdom and more recently in Indonesia and Egypt demonstrated once again the need for concerted efforts by the international community, in which measures at the national level were complemented and supported by regional and international cooperation. To follow up on the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism, which Armenia had signed during the 2005 World Summit, it was imperative to conclude negotiations on a comprehensive convention on international terrorism during the sixtieth session of the General Assembly. Armenia resolutely condemned terrorism and had offered military and strategic assistance in combating it. It had signed and was implementing the international conventions relating to terrorism, including the European Convention on the Suppression of Terrorism, and was cooperating with the Security Council Committees established pursuant to resolution 1373 (2001) and 1540 (2004) and the Anti-Terrorist Centre of the Commonwealth of Independent States.

10. The main thrust of the efforts of the Armenian Government against terrorism was prevention, in particular by improving national legislation against arms smuggling, trafficking and money-laundering. In April 2005 it had passed a comprehensive law on combating terrorism and a new criminal code containing several articles dealing directly with terrorism.

11. It must be borne in mind that there was nothing inherent in any religion or civilization that generated terrorism. Terrorism could never be justified, but the multiplicity of its root causes must be addressed and policies that victimized vulnerable populations must be changed in order for counter-terrorism efforts to have a greater chance for success. Efforts in the fields of economic development and poverty eradication and promotion and respect for human rights, international law and sustainable development would make the world a safer place.

12. **Mr. Al-Mahsali** (Oman) said that terrorism had become a multidimensional problem to which the whole of the international community was exposed. It was therefore necessary for all States to do their utmost to combat a phenomenon which was undermining peace and stability all over the world.

13. Since his Government firmly condemned terrorism in all its forms and manifestations and was striving to combat the imminent threat it posed, it was committed to strengthening international cooperation through the implementation of Security Council resolution 1373 (2001) and other relevant international resolutions. It had acceded to 10 of the 12 international instruments relating to terrorism and had also become a party to a number of regional agreements, including the Convention of the Organization of the Islamic Conference on Combating International Terrorism and the Arab Convention on the Suppression of Terrorism. A national commission prepared reports to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

14. Moreover his country's authorities, mindful of the need to fight international organized crime because it helped to fund terrorism, had acceded to the United Nations Convention against Transnational Organized Crime and its Protocols. They had adopted a number of measures to curb the financing of terrorist acts through the effective monitoring of banking activities in order to identify any suspect transactions. The legislature had also passed an act on the prevention of money laundering, as the latter was clearly linked to serious terrorist crimes. National legislation had also been enacted in order to give effect to the 40

recommendations issued by the Financial Action Task Force. Terrorist acts were severely punished under the Omani Criminal Code. Once international counter-terrorism instruments had been ratified by his Government, they had the same authority as national laws.

15. The lack of a specific definition of terrorism and the insufficient heed paid to the motives prompting the action of terrorist groups were seriously handicapping efforts to deal with the scourge. Furthermore, the linking of terrorism with a particular religion, race or ethnic group could only cause rancour and engender a cultural clash. Hence it was vital to conduct a more thorough impartial analysis of the underlying causes of terrorism, so as to rectify action which had led to an upsurge of violence. It was also necessary to draw a distinction between terrorism and legitimate resistance to occupation and oppression.

16. His Government therefore supported the proposal of the King of Saudi Arabia regarding the establishment of an international centre to combat terrorism. It reaffirmed its commitment to the implementation of all Security Council and General Assembly resolutions on the matter and to the adoption of all the requisite measures to quell terrorist activity, subject, however, to the observance of the rules of international law and the principle of national sovereignty.

17. **Mr. Tidjani** (Cameroon) said that the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism had reaffirmed the central role played by the United Nations in the codification and progressive development of international law and the struggle against terrorism. Yet gaps in the overall legal framework would subsist until such time as a general convention permitting effective action against the inexcusable scourge of terrorism was adopted.

18. Differences of opinion within the Committee enabled terrorists to attack the fundamental values underpinning the Organization. The only way to counter their barbarous acts was the concerted suppression of terrorism through measures which respected human rights and international humanitarian law. His Government was therefore in favour of the strategy outlined by the Secretary-General at the International Summit on Democracy, Terrorism and Security. Repeated terrorist attacks showed how vulnerable the world had become and highlighted the need for cooperation not only among all Member States, but also between the United Nations and regional and subregional organizations. For that reason it would be advisable to convene a high-level conference to formulate a joint organized response of the international community.

19. A common strategy must, of necessity, include the building of national capacity to combat terrorism and the provision of technical assistance in that respect for countries which needed it. The threat which terrorism posed to international peace and security meant that helping developing countries was not an act of generosity but a means of buttressing joint security. Another purpose of the strategy must be to identify the causes of terrorism and find appropriate solutions to them. An end must be put to poverty, the violation of human rights and injustice. Exchanges of information and a permanent dialogue between Member States were likewise essential. That was why his Government reiterated its suggestion that the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism should address the Sixth Committee whenever the latter considered the agenda item on measures to eliminate international terrorism.

20. The time had come to arrive at consensus on a clear and universally accepted definition of terrorism, for without it, all efforts to do battle with a common enemy would be in vain. Such a definition would make it possible to agree on the requisite legal characterization of terrorist acts and to determine the procedure for prosecuting and punishing them. If the Sixth Committee could meet that challenge, it would be the best present the Sixth Committee could offer the Organization for its 60th birthday.

21. **Ms. Barghouti** (Observer for Palestine) said that the upsurge of terrorism throughout the world posed a major challenge to the international community and should be urgently addressed at all levels and in all forums. In view of the urgency of the matter, the debate on a draft comprehensive convention on international terrorism should proceed in an expedited manner with a view to reaching a successful conclusion on the basis of a real consensus.

22. Palestine joined all peace-loving nations in condemning all forms of terrorism and attacks on civilians. However, that position should not undermine in any way the legitimate right of peoples under

foreign occupation to struggle for self-determination, as recognized by international law. Furthermore, situations of foreign occupation were governed by international humanitarian law. The draft comprehensive convention should not conflate such situations of armed conflict with others. All State and non-State actors should respect the 1949 Geneva Conventions, and there should be no exemption from those obligations under the pretext of combating terrorism. The fight against terrorism must be conducted in conformity with international human rights and humanitarian law and in a democratic spirit, with respect for fundamental freedoms. Moreover, there was nothing more detrimental to combating terrorism than a perception that it was religiously or politically motivated, or directed against a certain people, religion or region.

23. Her delegation believed that the Working Group of the Sixth Committee should take as the basis for negotiations the report of the Ad Hoc Committee established by General Assembly resolution 51/210 (A/57/37). The text that appeared in the report of the coordinator on the results of the informal consultations on a draft comprehensive convention on international terrorism held from 25 to 29 July 2005 (A/59/894, appendix I) was not a truly "consolidated text", as it did not reflect all the positions represented, notably the proposals put forward by the Organization of the Islamic Conference. It was imperative that the forthcoming negotiations of the Working Group should be conducted in a formal setting by the Chairman of the Ad Hoc Committee. Her delegation also supported the convening of a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism.

24. **Mr. Collums** (United States of America), speaking in exercise of the right of reply, said that in the course of the debate on the very serious issue of the United Nations response to terrorism, two delegations had directed specific criticisms against the United States concerning the case of Luis Posada Carriles, who was in the custody of the immigration authorities. His delegation was not surprised that the two delegations were mystified by the processes of an independent and impartial legal system based on the concepts of human rights, democracy and respect for the rule of law, principles that must continue to be respected even in the fight against terrorism. Luis Posada Carriles had been detained by the United States immigration authorities on 17 May 2005 after entering the country illegally. He remained in custody while his case was being considered. The decision rendered on 27 September 2005 did not end the proceedings. The delegations that criticized the decision were evidently frustrated that they could not dictate the outcome of immigration cases in the United States system, which were decided by immigration judges fairly and impartially applying United States immigration law. Since the Venezuelan representative had mentioned his country's request for extradition of Posada Carriles, he wished to state that the extradition request was currently under review by the United States authorities in accordance with the applicable bilateral extradition treaty and United States and international extradition law, including the rule that evidence must be sufficient to sustain an extradition request.

25. The Cuban delegation had made reference to a recent decision regarding the case of five Cuban nationals accused of conspiracy to commit espionage and other related charges, including conspiracy to commit murder. Those five individuals had been convicted of the charges in 2001 after trial in United States federal court, with all the due process guarantees inherent in an independent and impartial judicial system. On 9 August 2005 a three-judge panel of the United States Court of Appeals for the Eleventh Circuit had handed down a decision reversing the decision of the trial court, and the United States Department of Justice was asking for a hearing by the full Court of Appeals to reconsider that decision. The five defendants remained in custody while their case was being heard. Again, the delegation in question appeared to be frustrated that it could not dictate the outcome of the case. However, the entire proceedings were an example of how justice was administered in a system in which the judiciary was independent of the executive branch.

26. **Mr. Méndez** (Bolivarian Republic of Venezuela), speaking in the exercise of the right of reply, said that in the interests of brevity he would refer to the portion of the statement made by his delegation under the agenda item in the 5th meeting, which denounced the inconsistencies and double standards inherent in the counter-terrorism policy of the United States Government as manifested by its response to the request for extradition of Luis Posada Carriles. His delegation considered that the arguments put forward

by the United States representative did not advance international efforts to combat the scourge of terrorism.

27. **Mr. Pino Álvarez** (Cuba), speaking in the exercise of the right of reply, said that once again the Committee had heard slander and lies from the United States delegation, when its commitment to combating terrorism was questioned. It could not deny that the President of the United States was protecting the known international terrorist Luis Posada Carriles, instead of proceeding to extradite or prosecute him. It could not deny that for forty years the United States had been actively supporting mafia-like terrorist groups who had planned, organized and launched numerous terrorist operations from United States territory and caused the deaths of thousands of Cuban citizens. It could not deny that the United States continued to imprison, without a sentence, five Cuban freedom fighters. It dared to talk about respecting human rights in the fight against terrorism in the face of its treatment of prisoners at Guantánamo. The United States had no moral right to lecture Cuba about human rights or democracy or combating terrorism.

28. Terrorism could not be defeated if some terrorist acts were condemned while others were passed over, justified and even encouraged. The United States Government allowed funds to be collected and held openly in bank accounts, operatives to be recruited and weapons to be procured to launch terrorist attacks against the Cuban people, as if Security Council resolution 1373 (2001) did not apply. To allow admitted terrorists to circulate freely, while holding Cuban freedom fighters in prison, was an affront to all victims of terrorism the world over. The Government of the country that styled itself the leader in the fight against terrorism, in the name of which it had tortured and massacred and violated the rights of many prisoners in Iraq, Afghanistan and Guantánamo, had no moral authority to criticize Cuba, which had taken appropriate measures to combat international terrorism, as could be seen in its reports to the Security Council Committee established pursuant to resolution 1373 (2001).

29. Its forty-five-year obsession with destroying the Cuban revolution had led the Government of the United States of America down tortuous paths of deceit and failure. Its actions towards Cuba were in contradiction with its stated international policy and led it into lies and cheap rhetoric. The terrorist attacks and the genocidal financial and trade blockade against Cuba were instruments designed by the United States Government to destroy a system freely chosen by the Cuban people in an act of democracy and in the exercise of their right to self-determination. But the attacks of hardened terrorists, cruel blockades or military aggression could never cause the Cuban people to abandon the achievements of their revolution and their noble and altruistic social system. Cubans understood that freedom came at a high price and were willing to pay that price when necessary.

Agenda item 155: Observer status for the Latin American Integration Association in the General Assembly (*continued*) (A/C.6/60/L.3)

30. **The Chairman** drew attention to draft resolution A/C.6/60/L.3.

31. *Draft resolution A/C.6/60/L.3 was adopted.*

Agenda item 156: Observer status for the Common Fund for Commodities in the General Assembly (*continued*) (A/C.6/60/L.2)

32. **The Chairman** drew attention to draft resolution A/C.6/60/L.2 and announced that Angola, Botswana, Cameroon, Cape Verde, Costa Rica, Germany, Pakistan, the Republic of Korea and the Sudan had become sponsors of the draft resolution.

33. *Draft resolution A/C.6/60/L.2 was adopted.*

The meeting rose at 4.15 p.m.

United Nations A/C.6/60/SR.7

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Sixth Committee

Summary record of the 7th meeting
Held at Headquarters, New York, on Friday, 14 October 2005, at 11.15 a.m.

Chairman: Mr. Yáñez-Barnuevo (Spain)

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05-55334 (E)

The meeting was called to order at 11.15 a.m.

Agenda item 82: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(A/60/33, A/60/124 and A/60/320)

1. **Mr. Mavroyiannis** (Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization) introduced the report on the work of the Special Committee during its 2005 session (A/60/33), noting that the Special Committee had met in New York from 14 to 18 March 2005 and had continued its deliberations as mandated by the General Assembly in paragraphs 3 and 4 of General Assembly resolution 59/44.

2. He then summarized the content of the report's seven chapters. He noted that chapter III contained an account of the Special Committee's discussions and presented its recommendations on the maintenance of international peace and security and, in particular, on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, to which the Special Committee had been asked to give priority consideration. Paragraph 25 of the report contained the Special Committee's recommendation that the General Assembly should address that matter further. Chapter III also contained a summary of the views expressed on several proposals submitted by Member States on, inter alia, the questions of imposition of sanctions and other coercive measures, peacekeeping operations, and strengthening of the role of the Organization and enhancing its effectiveness.

3. With regard to peaceful settlement of disputes, which was the subject of chapter IV of the report, no proposals on that topic had been submitted to the Special Committee for consideration during the 2005 session. The Special Committee's consideration of the proposals concerning the Trusteeship Council was summarized in chapter V, and its discussions on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* were summarized in chapter VI. Its recommendation on the latter could be found in paragraph 68 of the report. Finally, chapter VII addressed the remaining items on the agenda of the Special Committee, including the question of improving its working methods, which remained a priority item for the General Assembly.

4. **Mr. Mikulka** (Secretary of the Special Committee), speaking as Director of the Codification Division of the Office of Legal Affairs, introduced the report of the Secretary-General on the updating of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/60/124) and summarized the results achieved in eliminating the backlog in publication of the *Repertory* since the adoption of General Assembly resolution 59/44 the previous year. The Secretariat had completed volume I of Supplement 7 (covering the period 1985-1988); volume I of Supplement 8 (1989-1994) was near completion; eight other volumes pertaining to Supplements 7, 8 and 9 (1994-1999) were at various stages of preparation; and advance versions of several studies on individual Articles of the Charter had been finalized and were available on the *Repertory* website. Those studies pertained to volumes I and IV of Supplement 8 and volumes IV and VI of supplement 9. Other studies on individual Articles relating to volumes I, IV and VI of Supplements 8 and 9 were in the final stages of preparation. No progress had been made on volume III of Supplements 7, 8 and 9, and none was expected in the foreseeable future. A colour chart showing the status of the *Repertory* had been made available to delegations.

5. Complete volumes and studies on individual Articles of the Charter from 10 volumes were accessible on the United Nations website for the *Repertory*, which had proved an efficient means for updating the publication. Information on the publication of volumes in French and Spanish versions appeared in paragraph 8 of the report. As concerned cooperation with academic institutions, externs and interns had assisted in research for several of the studies on individual Articles. Further involvement of academic institutions was envisaged as a way of preparing additional draft studies. However, no contributions to the Trust Fund established pursuant to resolution 59/44 to enable the Secretariat to accelerate progress towards eliminating the backlog in publication of the *Repertory* had yet been received.

6. **Mr. Ri** Song Hyon (Democratic People's Republic of Korea) said that what was most important in relation to strengthening the role of the United Nations was to ensure that the Organization had a central role in addressing international issues. To that

end, it was imperative to reject high-handedness and unilateralism, for as long as there continued to be violations of sovereignty and intervention in the internal affairs of other countries through the use of power, the United Nations would be unable to give full play to the mission and role assigned to it in its Charter. In that connection, the powers of the General Assembly, where all Member States enjoyed equal representation, should be radically enhanced. The General Assembly was the supreme policy- and decision-making organ of the United Nations; accordingly, it should be empowered to address any major issues relating to international peace and security. Decisive measures should be taken to give the General Assembly the power to review, on a case-by-case basis, resolutions of the Security Council that had a direct impact on international peace and security, including resolutions on the use of armed force and the imposition of sanctions.

7. The use of sanctions was currently an issue of great concern to the international community. Sanctions, which were being abused by some countries for political purposes, were leading to the overthrow of legitimate Governments of sovereign States and to the disruption of their political and economic systems. Sanctions should be a means of last resort for the settlement of disputes, and their objective, target and time frame should be clearly defined. In his delegation's view, due attention must be given to sanctions imposed outside the aegis of the United Nations. Such unilateral sanctions contradicted the spirit of the Charter and the principles of international law, and had particularly grave consequences for developing countries, violating their sovereignty and obstructing their sustainable development. His own country, for instance, had suffered immeasurable loss and damage and its development had been hampered as a result of unilateral sanctions imposed for over half a century by a super-Power.

8. **Mr. Andjaba** (Namibia), speaking on behalf of the African Group, noted that 14 of the 19 sanctions regimes imposed by the Security Council since the establishment of the United Nations had been imposed on African countries. Africa therefore attached crucial importance to the topic of sanctions. The power of the Security Council to impose sanctions should always be exercised in accordance with the Charter of the United Nations and international law. Sanctions should be considered only after all means of peaceful settlement of disputes had been exhausted and after thorough consideration of their effects in the short and long terms. Moreover, any sanctions imposed must be non-selective, smart and targeted in order to mitigate their adverse humanitarian and socio-economic impact, particularly on the most vulnerable members of society in both primary target States and third States. To that end, the United Nations should define the objectives and guidelines for the imposition of sanctions.

9. The African Group welcomed all measures to assist third States affected by the application of sanctions and appreciated the various workshops, seminars and studies on the topic undertaken under the auspices of the United Nations. It was worrisome to note, however, that none of them had taken place in or focused on Africa. Bearing that reality in mind, the African Group encouraged more interaction between the various Security Council sanctions committees and the General Assembly, particularly the Special Committee on the Charter, in implementing the relevant resolutions. It also encouraged the conduct of comprehensive studies, including the compilation and publication of information on all unintended consequences of sanctions and the efficacy of the assistance provided in response, particularly in Africa.

10. With regard to the various proposals before the Committee, the African Group saw some merit in the proposal by the Russian Federation on sanctions and other coercive measures (A/AC.182/L.114 and Rev.1) and considered it a good basis for further dialogue on the issue. That discussion should also take into account the salient points raised in the working paper by the Libyan Arab Jamahiriya (A/AC.182/L.110 and Rev.1), particularly the provision for possible payment of compensation to target and/or third States for damage done by unlawful sanctions. The African Group also continued to see merit in the proposal submitted jointly by the Russian Federation and Belarus, which called for, among other things, an advisory opinion from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in self-defence. The African Group reaffirmed the important role played by the Court and other international judicial institutions in the peaceful settlement of disputes, but reiterated that, in the recourse to those bodies, vigilance must be maintained to ensure that the free choice of means was never compromised. It also welcomed the increase in the

number of fact-finding missions in recent years and acknowledged the strategic role of Special Representatives of the Secretary-General in such missions. In that connection, the holding of a special session of the Security Council in Nairobi, Kenya, in 2004 testified eloquently to the international community's commitment to peaceful settlement of disputes within and among States.

11. The African Group wished to conclude with a call for the establishment of an open-ended working group on sanctions within the Sixth Committee. It also underscored the need to streamline the working methods of the Special Committee and endorsed the call for proposals to the Committee to be submitted well in advance of sessions and for a cut-off mechanism to prevent or check protracted discussion of proposals year after year. In that regard, the African Group agreed that some proposals should be considered biennially or triennially.

12. **Mr. Llewellyn** (United Kingdom), speaking on behalf of the European Union, the acceding countries Bulgaria and Romania; the candidate country Turkey; the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro and The former Yugoslav Republic of Macedonia; and, in addition, Iceland, Norway and the Republic of Moldova, referred first to the maintenance of international peace and security, in particular the implementation of the provisions of the Charter relating to assistance to third States affected by the application of sanctions. The European Union recognized that sanctions could have negative effects on civilian populations and third States, and it therefore welcomed the continuing recourse to targeted sanctions, which preserved the effectiveness of sanctions while minimizing their negative impact. In that context, he welcomed the important work being done on the subject in other forums within the United Nations. The Commission and States members of the European Union had devoted conferences and workshops to specific questions relating to sanctions, while the Secretary-General had presented a report on the subject and the Security Council had taken various measures, among them the establishment of the Informal Working Group on General Issues of Sanctions and, more recently, the Analytical Support and Sanctions Monitoring Team.

13. The European Union welcomed the recognition in the 2005 World Summit Outcome of the usefulness of sanctions, provided that they were clearly targeted, and of the need to minimize their negative consequences, to monitor their implementation effectively and to review them periodically. Sanctions should remain in place for as limited a period as necessary to achieve their objectives. The European Union looked forward to consideration by the Security Council of ways to improve monitoring and to address special economic problems arising from the application of sanctions. Procedures for the listing and de-listing of individuals and entities on sanctions lists should also be fair and clear. The European Union supported efforts through the United Nations to strengthen State capacity to implement sanctions.

14. As concerned the Russian Federation's proposal on basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures, although the working paper was a useful basis for further consideration, the European Union believed that the issues addressed would be better discussed in forums other than the Special Committee.

15. With regard to peaceful settlement of disputes, the European Union reiterated the need for continued emphasis on the means of peaceful settlement enshrined in the Charter of the United Nations, the need to have recourse to them at the earliest possible stage and the need to apply the principle of free choice of means. It also endorsed the emphasis in the 2005 World Summit Outcome on the obligation to settle disputes by peaceful means under the Charter and on the need to promote a culture of prevention of armed conflict, to address interconnected security and development challenges and to strengthen the capacity of the United Nations in conflict prevention. The Secretary-General played a particularly important role in that regard.

16. The European Union welcomed the Secretary-General's report on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and the progress being made towards making the *Repertory* available on the Internet at no cost to the United Nations.

17. Regarding the working methods of the Special Committee, the European Union supported the suggestions made in the revised working paper presented by Japan and co-sponsored by the Republic of Korea, Thailand, Uganda and Australia. Expressing

regret that only minimal reforms had been achieved so far, he reiterated the European Union's willingness to support initiatives that might improve the Special Committee's working methods.

18. **Mr. Malpede** (Argentina), speaking on behalf of the States members of the Rio Group (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela), said that the Rio Group attached great importance to the work of the Special Committee in the broader context of United Nations reform, particularly with regard to the maintenance of international peace and security, cooperation among States and the promotion of international law. He urged Member States to intensify their efforts, in accordance with General Assembly resolution 59/45, to implement the provisions of the Charter related to assistance to third States affected by the application of sanctions, with a view to minimizing the negative impact of sanctions. He also commended the Secretariat's efforts to develop a methodology for assessing the adverse consequences incurred by third States and to explore innovative and practical measures of assistance to affected third States.

19. The Rio Group attached great importance to the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and commended the efforts made to update them. However, the Group shared the concern at the slow pace of work and occasional suspensions owing to lack of funds. He therefore called for increased voluntary contributions to the Trust Fund and encouraged the Secretary-General to enhance cooperation with academic institutions for the preparation of studies of the *Repertory* and the *Repertoire*.

20. The Rio Group welcomed the discussions relating to the Special Committee's working methods and the identification of new subjects. Efforts to improve efficiency should be continued, including consideration of ways to streamline the procedure used for approval of the Committee's reports.

21. **Mr. Metelitsa** (Belarus) said that the preparations for the 2005 World Summit had shown how important it was, at a time of reform of the Organization, to ensure a clear understanding and uniform application of the principles enshrined in the Charter. Enhancement of the legal basis for United Nations activities was a vital element of the reform process. Belarus therefore supported the active involvement of the Special Committee in resolving problematic issues in the 2005 World Summit Outcome, including those in the section entitled "Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity". The Special Committee could also assist the General Assembly in its work on amendments to the Charter, including abolition of the Trusteeship Council and the elimination of references to "enemy States".

22. The Special Committee should continue to give priority to the elaboration of precise legal criteria for the introduction and implementation of sanctions and, in particular, should strive at its next session for further progress on the working paper on that topic submitted by the Russian Federation. Belarus looked forward to a productive discussion on ways to implement the provisions of the Charter related to assistance to third States.

23. Belarus and the Russian Federation had submitted to the Special Committee at its 2005 session a revised version of their working paper, in which it was recommended that an advisory opinion should be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council. Such an opinion would help strengthen the principle of the non-use of force or threat of force enshrined in the Charter. Belarus, as a co-sponsor of the proposal, would be presenting the legal arguments in favour of it at the next session of the Special Committee.

24. Belarus commended the Secretariat's efforts with regard to the preparation and publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, which were an important source of the legal information needed for the consistent application of the Charter.

25. **Mr. Jit** (India) underscored the importance of Article 50 of the Charter, relating to assistance to third States affected by the application of sanctions. The adverse effects of sanctions on innocent civilian populations and on the economic stability of the targeted State or even of third States were a matter of serious concern. The Security Council, as the body

which mandated sanctions, had primary responsibility for addressing the problems of third States affected by them.

26. Sanction regimes should be reviewed periodically, and adequate and prompt assistance should be provided on the basis of an assessment of humanitarian conditions in the targeted States and affected third States. Moreover, immediate steps should be taken to implement the relevant section of the 2005 World Summit Outcome, in particular paragraph 108, which called upon the Security Council to improve the monitoring of sanctions and to develop a mechanism to address special economic problems arising from the application of sanctions. To that end, the Council should consider establishing a fund financed from assessed contributions based on the scale applicable to peacekeeping operations, as well as voluntary contributions. His delegation also supported the idea of establishing a working group within the Sixth Committee to examine the issue of sanctions and their impact on third States.

27. With regard to the proposals on sanctions made by the Russian Federation and the Libyan Arab Jamahiriya, it was essential to develop a consensus on the core issues involved. The Charter defined the manner and circumstances in which sanctions or other coercive measures could be imposed, but consideration should be given to testing their legality on the basis of a proportionality criterion and to building organizational controls into the system. A cautious approach needed to be taken with regard to conferring on target States a right to seek and obtain compensation for unlawful damage sustained owing to illegal or excessive sanctions, in order to avoid raising issues concerning the very legality of the sanctions imposed. With respect to the proposal on peacekeeping operations under Chapter VI of the Charter, the Special Committee should consider the issue only from the legal angle, after consensus had been reached among Member States on the political and operational aspects of peacekeeping.

28. The contribution of the Special Committee in the area of peaceful settlement of disputes had been significant. India attached great importance to the principle of free choice of means in matters of dispute settlement and took the view that any recourse to dispute settlement mechanisms required prior consent of the parties to the dispute.

29. Turning to the proposal on the Trusteeship Council, he said that India considered it improper at the present time to envisage a role for the Council in dealing with the global commons or the common heritage of mankind, as those issues were adequately covered under the United Nations Convention on the Law of the Sea and other international agreements currently in force.

30. India supported, in principle, Japan's proposal on improving the working methods of the Special Committee. As concerned the identification of new subjects, the Committee should first deal with the proposals before it, rather than searching for new areas of work. India also supported the continued publication and updating of the *Repertory* and the *Repertoire*, since they were important sources of reference. Lastly, the Special Committee must have an active role in the implementation of the Charter-related decisions outlined in the 2005 World Summit Outcome, in accordance with the decision adopted at its last session.

31. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said that the debate on the Special Committee's report was particularly important in the context of the sixtieth session of the General Assembly, when heads of State and Government had reaffirmed their commitment to the purposes and principles of the Charter.

32. The current efforts of the international community to minimize the negative effects of sanctions on both the targeted State and third States were to be applauded. Sanctions should be imposed only when all peaceful means of settlement of disputes provided for by the Charter had been exhausted. However, the pursuit of such peaceful means should not give troublemakers the opportunity to continue their wrongful activities. Thus, any State or group of individuals that engaged in aggression or occupied foreign territory had to be constrained to desist. On the other hand, too-frequent recourse to sanctions, however valid, could call their credibility into question. In addition, care should be taken to ensure that they were not selectively applied or misapplied.

33. With regard to the use of force, he recalled the inherent right of self-defence enshrined in the Charter. However, he condemned any coercive action outside that category that was taken without the prior authorization of the Security Council, in violation of Chapter VI of the Charter. Military intervention could

be justified only when all possible peaceful means of settlement had been exhausted. In that connection, he drew attention to the obligations of Member States that were reaffirmed in paragraph 77 of the 2005 World Summit Outcome. His delegation also favoured further consideration of the proposal of Belarus and the Russian Federation that an advisory opinion should be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council.

34. Turning to the question of peacekeeping operations, he said that the scope of such operations had become much broader and more ambitious over the years. Moreover, there was no clear legal basis for them, since they had essentially arisen as an ad hoc response to the breakdown of the system of collective security set out in the Charter. Given the continued increase in the number of peacekeeping operations, they should be underpinned by a proper legal framework, irrespective of their success or failure. The elaboration of such a legal framework raised complex issues that went beyond the remit of the Special Committee on Peacekeeping Operations. In that context, his delegation supported the proposal contained in the Russian Federation's working paper, entitled "Fundamentals of the legal basis for United Nations peacekeeping operations in the context of Chapter VI of the Charter of the United Nations".

35. **Mr. Shang** Zhen (China) said that his delegation wished to see the Special Committee forge ahead to even greater achievements in its commendable work. The question of third States should be treated as a priority, but a two-pronged approach was needed: the imposition of sanctions should be prudent and limited; and a methodology should be developed to assess the impact of preventive or enforcement measures on third States. Practical ways of providing international assistance to those States should also be explored and efforts made to minimize their losses.

36. With regard to basic conditions and standard criteria, sanctions should be resorted to only after all peaceful means of dispute settlement had been exhausted and they should then be implemented within a specific time frame and in accordance with strict criteria. It was to be hoped that the Special Committee would complete its consideration of the Russian Federation's working paper on the subject at an early date.

37. His delegation endorsed the basic idea of the Russian Federation's other working paper, on fundamentals of the legal basis for United Nations peacekeeping operations. Deliberations on peacekeeping in other United Nations bodies did not affect the Special Committee's consideration of the question in the legal context. It would be useful to summarize the lessons learned from peacekeeping operations with a view to standardizing and institutionalizing them.

38. The efforts made by some States to improve the Special Committee's working methods were commendable, and all parties should explore ways of achieving that goal.

39. Paragraph 176 of the 2005 World Summit Outcome provided the direction for the Special Committee's work relating to the Trusteeship Council. However, any proposals involving amendment of the Charter should be treated with caution, and the work should proceed in accordance with the Special Committee's intention to implement any decisions concerning the Charter taken at the Summit.

40. His delegation was concerned about the drastic curtailment of the duration of the Special Committee's session: its work should be reinforced rather than weakened.

41. **Mr. Wali** (Nigeria) said that sanctions were extreme measures which should be applied with caution and as a last resort. They should be purposeful, time-bound, non-selective and targeted. They should be transparently implemented and terminated once their goals had been achieved. Sanctions must be periodically reviewed in order to mitigate their negative impact on civilians and third States. Such reviews would provide an opportunity to determine the mode of assistance for innocent victims of sanctions.

42. Contractors from affected third States should be given priority with respect to investment in the target State and the citizens of such States given preferential treatment in the award of contracts for peacekeeping or post-conflict operations. There must be transparent procedures for the management of sanctions lists and for granting humanitarian exemptions. He welcomed the measures introduced to make sanctions committees more accessible to affected States and strengthen the capacity of States to implement sanctions.

43. He stressed the primacy of the principle of free choice of the means of peaceful settlements of disputes: Nigeria had long accepted the compulsory jurisdiction of the International Court of Justice and urged other States to do likewise. The International Court and the International Tribunal for the Law of the Sea must be adequately funded, and the idea of establishing a rule-of-law assistance unit in the United Nations Secretariat deserved support. His delegation also called on States to avail themselves of the procedures for the prevention and peaceful resolution of disputes and it recognized the usefulness of regional and subregional peace initiatives. It commended the efforts of the United Nations and the African Union, which had checked the deterioration of the situation in Darfur.

44. The *Repertory* and the *Repertoire* were indispensable tools for the preservation of the institutional memory of the United Nations. The Secretary-General was to be commended on the progress made in eliminating the backlog and the placing of advanced versions on the Internet.

45. There was indeed a need to streamline the working methods of the Special Committee and for its work to be properly coordinated with that of the General Assembly and the sanctions committees.

46. **Mr. Sybyha** (Ukraine) said that the present discussion showed that the United Nations remained the principal forum for dealing with problems of security and cooperation. The Special Committee in particular made a considerable contribution to the development of a number of the provisions of the Charter and to the process of reforming the United Nations. It should be strengthened as a forum for the discussion of reform issues, and the efforts to streamline its work should take full account of its important mission. It had a vital role to play in implementing the provisions of the 2005 World Summit Outcome on amendments to the Charter. It would be useful to start the Special Committee's next session with a discussion of the identification of new subjects.

47. Recent studies of the increasing number of sanctions regimes showed that most of the ones imposed in the 1990s had had scant political effectiveness. The time had therefore come to review the existing policy and practices and formulate general approaches to future decision-making on sanctions. The question of sanctions must remain a central item on the Special Committee's agenda.

48. Sanctions were a powerful tool for preventing conflicts but must not become a means of punishing States. The terms of their imposition must include revocation mechanisms and the possibility of gradual mitigation. They should not result in economic destabilization in the target country or in third States. The production of additional recommendations on the principles of implementation would aid the Security Council and enhance the legitimacy of its decisions. His delegation endorsed the emphasis in the 2005 World Summit Outcome on the obligation of States to settle their disputes by peaceful means. It recognized the Security Council's statutory prerogatives but in no way underestimated the role which the General Assembly could play in formulating criteria governing sanctions. It noted with satisfaction the expansion of the "United Nations geography": the issues were being addressed by an increasing number of United Nations bodies.

49. **Mr. Lavalle-Valdés** (Guatemala) said that it was difficult for his delegation to take a positive view of the Special Committee's work: it did have some achievements to its credit but they dated to an already fairly remote past, and its work had produced hardly any results. A study of the recommendations contained in the report under consideration showed that nothing had changed since the previous year.

50. The situation was particularly disappointing for his delegation, which had always taken an active part in the work. The Special Committee had considered two proposals by Guatemala on the peaceful settlement of disputes: the text of the first one had been annexed to resolution 50/50; the second had been on the agenda from 1997 to 1999, when Guatemala had withdrawn it. In fact there was a whole series of proposals which had reached a dead end but had not yet been withdrawn. Two of them, those submitted by the Russian Federation and contained in chapter III, sections B and D, while embodying some positive elements, were problematical in that they duplicated the work of other United Nations bodies.

51. However, the first of those two proposals, the one on sanctions, was not without interest: the working group established by the Security Council in 2000 to consider that question did not seem close to concluding its work; and the corresponding provisions of the 2005

World Summit Outcome would benefit from incorporation of some of the ideas contained in the proposal.

52. Nor had the Special Committee produced any concrete results on the question of assistance to third States, despite reaffirming year after year the importance of the substantive discussion of the recommendations of the ad hoc expert group contained in the report of the Secretary-General (A/53/312) and mentioned in paragraph 21 of the report. Those recommendations were perhaps too technical for the Special Committee to be able to consider them in detail.

53. Since 2002 the question of the peaceful settlement of disputes had no longer been taken up as a separate sub-item, making it difficult to achieve any progress. In 2004 his delegation had tried to inject some specific content into the discussion by proposing that the Special Committee should concentrate on arbitration, but its efforts had been in vain. The only mention of the topic in the present report was in paragraphs 58 and 59, which were devoid of practical interest. Guatemala had confined itself to making the comment outlined in paragraph 60.

54. Perhaps the only positive result achieved by the Special Committee for some time was represented by the *Repertory* and the *Repertoire*. On that subject, the comments just made on behalf of the Rio Group exactly reflected the feelings of his delegation, which supported the proposals made in the report introduced earlier by the Secretary (A/60/124).

55. The effort to identify new subjects might facilitate a return to the situation prevailing years ago, when the Special Committee produced specific and constructive recommendations which made a significant contribution to the work of the General Assembly.

56. **Ms. Zabolotskaya** (Russian Federation) said that her delegation attached great importance to the substantial contribution made by the Special Committee to strengthening the legal foundations of the United Nations. There was certainly a need to improve the sanctions machinery. There seemed to be a general understanding that sanctions should have clearly stated purposes and be subject to periodic review and to time limits, and that a balance must be sought between effective implementation and the prevention of negative effects on civilians and third States. That approach had in fact been unanimously approved in the 2005 World Summit Outcome; the Special Committee must heed the Summit's call to pursue its work on sanctions with vigour. That task would be greatly facilitated if it adopted the Russian Federation's working paper on basic conditions and standard criteria, the latest revision of which took into account, as far as possible, the positions of all States.

57. No progress had been made on the question of assistance to third States. Her delegation advocated taking a more practical approach to the question with a view to establishing actual mechanisms for providing such assistance. It was also in favour of the continuation of the Special Committee's work on the other topics in its "portfolio". It would be appropriate for the General Assembly to include in the Special Committee's mandate the several decisions relating to the Charter adopted at the World Summit.

The meeting rose at 1.05 p.m.